

Agenda

Environmental Protection Commission

RECORD COPY
File Name ADM-1-1-1 EPC Meeting
Senders Initials JG June 1995

June 19, 1995
10:00 AM

Wallace State Office Building, Fourth Floor Conference Room

The Commission will tour Ute Tire, Hy-Line International, and the King Farm in Boone County on Tuesday, June 20, leaving from the Wallace Building at 8:00 a.m.

Public Participation

10:30 A.M.

Appointment: Diane McKellip (Item #13)

11:30 A.M.

Agenda topics

- | | |
|--|----------------------------|
| 1. Approve Agenda | |
| 2. Approve Minutes of May 15, 1995 | |
| 3. Director's Report | Larry Wilson (Information) |
| 4. Monthly Financial Status Report | Stan Kuhn (Information) |
| 5. By-Product and Waste Search Service (BAWSS)
Contract Approval | Teresa Hay (Decision) |
| 6. Final Rule--Chapter 145, Household Batteries | Teresa Hay (Decision) |
| 7. Monthly Reports | Allan Stokes (Information) |
| 8. Contract Award Approval - Wastewater Treatment
Facilities - Flood of 93 Damage | Allan Stokes (Decision) |
| 9. Proposed Rule--Chapter 47, Grants to Counties
Program | Allan Stokes (Information) |
| 10. Notice of Intended Action--Chapter 22, Background
Values for PM10 | Allan Stokes (Decision) |
| 11. Proposed Rule--Chapter 135 Underground Storage
Tanks | Allan Stokes (Information) |
| 12. Proposed Contested Case Decision--Pella Construction
Company | Allan Stokes (Decision) |
| 13. Contested Case Decision Appeal--Jay Anderberg and
Diane McKellip | Allan Stokes (Decision) |

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|-----|-----------------------------------|-------------------------|
| 14. | Referrals to the Attorney General | Allan Stokes (Decision) |
| | (a) Paul L. Dunkle (Dundee) | |
| 15. | General Discussion | |
| 16. | Address Items for Next Meeting | |

Next Meeting Dates	July 17, 1995
	August 21, 1995
	September 18, 1995

ENVIRONMENTAL PROTECTION COMMISSION

Monday, June 19, 1995

NAME	COMPANY OR AGENCY	CITY
(PLEASE PRINT)		
Jane McAllister	Ahlers Law Firm	Des Moines
Mike Lynch	ITW/PRBA	Chicago
Bob Gayer	Eversedy/PRBA	Gainesville, FL
Steve Roberts	Davis Firm/PRBA	Des Moines
Kathleen Obradovich	Lee Newspapers	DM
Mike Wilburg	IA Rural Water Assoc.	Des Moines
Dennis J. Gordy	Self	Mason City
Amy Christensen	Sullivan & Ward	Des Moines
Carla West	Des Moines Water Works	Des Moines
DAN WEST	GROWMARK, INC.	Bloomington, IL
David Thompson	Thompson Envir. Consult	WDM
Ka McFadden	Environmental Science & Eng.	DSM.
Perry Beeman	DM Register	DM.
Chris Gault	Farm Bureau	WDSM
Scott Young	Smith Gill	KC
Helen F. Mahle	Summa Club	Des Moines

ENVIRONMENTAL PROTECTION COMMISSION

NAME	COMPANY OR AGENCY	CITY
(PLEASE PRINT)		
Jim Swenson		Belmont
Diane McKellip		Belmont
Connie Duvall		Belmont
Rod Bohnert		CR Gazette

RECORD COPY
File Name ADM-1-1-1 *EPC Meeting*
Senders Initials JS *June 1995*

MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING

JUNE 19, 1995

WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson King at 10:00 a.m. on Monday, June 19, 1995, in the Wallace State Office Building, Des Moines, Iowa.

MEMBERS PRESENT

Verlon Britt
Kathryn Draeger
Michael Fesler
Rozanne King, Chair
Charlotte Mohr, Secretary
Kathryn Murphy
Gary Priebe, Vice-Chair
Terrance Townsend

MEMBERS ABSENT

William Ehm

Director Wilson reported that Commissioner Ehm called and said he is farming today and will not be able to attend the meeting.

ADOPTION OF AGENDA

The following adjustments were made to the agenda:

- Add: Appointment: Item #13 - Diane McKellip, Contested Case Appeal 11:30 a.m.
- Terrance Townsend asked for an update on a medical waste incinerator at Eldon

Mr. Stokes indicated that he will provide the medical waste incinerator information during the Monthly Reports item.

Motion was made by Terrance Townsend to approve the agenda as amended. Seconded by Charlotte Mohr. Motion carried unanimously.

APPROVED AS AMENDED

APPROVAL OF MINUTES

Motion was made by Terrance Townsend to approve the meeting minutes of May 15, 1995, as presented. Seconded by Michael Fesler. Motion carried unanimously.

APPROVED AS PRESENTED

DIRECTOR'S REPORT

Larry Wilson, Director, recognized former EPC Commission Chairman, Richard Hartsuck.

Director Wilson stated that sales expectation for the first year of the REAP license plate was 20,000 plates, and sales are way in advance of that projection. Revenues for the REAP program could exceed \$1.1 million if sales continue at the same rate in May. He also reported on the Governor's Canoe Trip which was held last Saturday on the Wapsipinicon River.

Director Wilson noted that the legislature created two study committees, one to address the stages of the underground storage tank legislation and the other to implement rules pertaining to livestock operations. He reported that the UST Technical Advisory Committee has had one meeting which the Commission was advised of, and there will be another meeting on June 23 which is basically a learning session for the committee members. On June 28-30, the department is offering an opportunity for those members to take a course on Risk Based Cleanup Assessment (RBCA). Mr. Wilson related that the Code states that the committee work has to be completed by October 15, 1995, which includes writing rules for EPC consideration. He explained that the report could be sent to the Commissioners as late as one week prior to the Commission meeting in October, depending on the progress of the the study committee. He further explained that typically a Notice of Intended Action is brought to the Commission 30 days before final action on a rule, but the tight time frame will not allow for that on these rules. Mr. Wilson stated that Deputy Director, Don Paulin, will report on the other study committee.

Don Paulin stated that the department is not issuing any livestock facility permits now and probably will not do so until mid-August when the Animal Agriculture Consulting Organization Committee should have proposed rules completed. Rules are to be developed by September 1. He related that there is a school of thought that the bill indicates no permits shall be issued until the manure management plan is developed, which is done by the rules. Mr. Paulin noted that the first meeting of the Animal Agriculture Consulting Organization Committee will be on June 27.

Mike Fesler requested that feedback on both committees be provided to the Commission as they progress.

FINANCIAL STATUS REPORT - YTD DIVISION EXPENDITURES

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

The monthly division-level expenditure status report, as of 5/31/95, will be provided to commissioners and reviewed at the meeting.

As a prelude to beginning the budget request cycle for FY97, staff will also present an overview of estimated FY96 revenues, expenditures and appropriations.

DIRECTOR'S OFFICE/I&E BUREAU

EXPENSE CATEGORY	Actual FY94	Budget FY95	YTD Budget 5/31/95	YTD Actual 5/31/95	Under (Over)
PERS SERV	941,578	970,715	893,058	884,287	8,771
PERS TRV IN	36,778	53,100	44,073	34,043	10,030
STATE VEHICL	4,347	7,931	6,583	3,635	2,948
DEPRECIATION	7,755	12,640	10,491	6,550	3,941
PERS TRV OUT	8,273	9,500	7,885	9,224	(1,339)
OFF SUPPLY	75,525	104,076	86,383	70,054	16,329
FAC MAINT SU	1,028	6,000	4,980	34	4,946
EQUIP MAINT	3,540	6,850	5,686	3,343	2,343
OTHER SUPPLY	39,327	65,899	54,696	59,769	(5,073)
PRINT & BIND	299,648	293,510	243,613	216,053	27,560
UNIFORMS	306	2,150	1,785	1,210	575
COMMUNICATIO	22,957	26,900	22,327	20,912	1,415
RENTALS	1,287	1,500	1,245	1,432	(187)
UTILITIES	218	750	623	154	469
PROF SERV	89,165	70,568	56,454	40,036	16,418
OUTSIDE SERV	25,614	28,550	23,697	15,490	8,207
ADVER PUB	0	6,000	4,980	0	4,980
DATA PROC	13,979	14,050	11,662	5,929	5,733
REIMBURSEMENT	2,060	6,175	5,125	3,189	1,936
EQUIPMENT	34,828	30,724	29,188	19,375	9,813
OTHER EXP	100	2,600	2,158	124	2,034
	<u>1,608,313</u>	<u>1,720,188</u>	<u>1,516,690</u>	<u>1,394,843</u>	<u>121,847</u>

ADMINISTRATIVE SERVICES DIVISION

EXPENSE CATEGORY	Actual FY94	Budget FY95	YTD Budget 5/31/95	YTD Actual 5/31/95	Under (Over)
PERS SERV	3,544,312	3,598,211	3,310,354	3,277,456	32,898
PERS TRV IN	36,797	48,050	39,882	28,473	11,409
STATE VEHICL	48,733	57,000	47,310	38,860	8,450
DEPRECIATION	145,319	80,500	66,815	57,310	9,505
PERS TRV OUT	4,784	7,300	6,059	6,450	(391)
OFF SUPPLY	314,207	315,255	261,662	289,297	(27,635)
FAC MAINT SU	2,091	21,000	17,430	625	16,805
EQUIP MAINT	45,040	52,000	43,160	33,445	9,715
OTHER SUPPLY	8,005	14,300	11,869	5,567	6,302
PRINT & BIND	21,116	14,500	12,035	16,987	(4,952)
UNIFORMS	2,460	2,500	2,075	4,534	(2,459)
COMMUNICATIO	98,778	97,100	80,593	68,478	12,115
RENTALS	503	500	415	184	231
UTILITIES	527	0	0	282	(282)
PROF SERV	62,018	40,000	32,000	45,471	(13,471)
OUTSIDE SERV	28,369	73,650	61,130	22,765	38,365
ADVER PUB	0	500	415	-77	492
DATA PROC	188,477	97,000	80,510	66,023	14,487
AUDITOR REIM	163,645	160,000	128,000	141,676	(13,676)
REIMBURSEMENT	183,548	117,150	97,235	110,061	(12,827)
EQUIPMENT	173,698	158,508	150,583	168,323	(17,740)
OTHER EXP	383,632	165,320	137,216	0	137,216
LICENSES	0	50	42	0	42
	5,456,059	5,120,394	4,586,787	4,382,190	204,597

PARKS, PRESERVES AND RECREATION DIVISION

EXPENSE CATEGORY	Actual FY94	Budget FY95	YTD Budget 5/31/95	YTD Actual 5/31/95	Under (Over)
PERS SERV	4,378,069	4,818,078	4,432,632	4,482,869	(50,237)
SEASONAL HELP	1,278,892	1,345,012	1,049,109	1,095,520	(46,411)
PERS TRV IN	72,376	57,274	47,537	52,177	(4,640)
STATE VEHICL	212,137	204,800	169,984	178,417	(8,433)
DEPRECIATION	304,490	296,900	246,427	244,575	1,852
PERS TRV OUT	4,998	7,585	6,296	3,656	2,640
OFF SUPPLY	33,046	35,700	29,631	49,956	(20,325)
FAC MAINT SU	500,824	479,500	397,985	447,398	(49,413)
EQUIP MAINT	400,521	286,749	238,002	286,920	(48,918)
AG CONS SUPP	67,853	26,792	22,237	15,796	6,441
OTHER SUPPLY	39,315	36,194	30,041	24,598	5,443
PRINT & BIND	54,853	24,000	19,920	20,274	(354)
UNIFORMS	31,530	31,577	26,209	25,396	813
COMMUNICATIO	98,313	98,002	81,342	77,084	4,258
RENTALS	37,023	34,900	28,967	30,921	(1,954)
UTILITIES	432,202	401,951	333,619	326,462	7,157
PROF SERV	97,181	62,408	49,926	34,891	15,035
OUTSIDE SERV	221,882	179,852	149,277	156,541	(7,264)
ADVER PUB	1,070	1,050	872	2,148	(1,277)
DATA PROC	4,555	5,000	4,150	2,321	1,829
REIMBURSEMENT	7,084	2,425	2,013	4,774	(2,761)
EQUIPMENT	203,645	202,000	191,900	228,774	(36,874)
OTHER EXP	776	4,700	3,901	0	3,901
LICENSES	512	697	579	114	465
	8,483,147	8,643,146	7,562,555	7,791,582	(229,027)

FORESTS AND FORESTRY DIVISION

EXPENSE CATEGORY	Actual FY94	Budget FY95	YTD Budget 5/31/95	YTD Actual 5/31/95	Under (Over)
PERS SERV	1,700,668	1,762,827	1,621,801	1,581,931	39,870
SEASONAL HELP	93,663	110,874	86,482	71,195	15,287
PERS TRV IN	34,236	43,500	36,105	31,301	4,804
STATE VEHICL	68,031	91,000	75,530	54,230	21,300
DEPRECIATION	133,145	139,700	115,951	112,155	3,796
PERS TRV OUT	7,996	9,300	7,719	5,655	2,064
OFF SUPPLY	16,770	20,300	16,849	25,714	(8,865)
FAC MAINT SU	50,454	44,000	36,520	35,742	778
EQUIP MAINT	59,574	57,000	47,310	47,483	(173)
AG CONS SUPP	130,342	144,000	119,520	92,772	26,748
OTHER SUPPLY	39,763	39,900	33,117	6,963	26,154
PRINT & BIND	5,909	15,500	12,865	3,318	9,547
UNIFORMS	8,066	15,600	12,948	7,531	5,417
COMMUNICATIO	31,170	43,669	36,245	28,159	8,086
RENTALS	34,925	36,000	29,880	33,491	(3,611)
UTILITIES	28,690	37,000	30,710	25,252	5,458
PROF SERV	0	500	400	17,941	(17,541)
OUTSIDE SERV	59,777	68,500	56,855	33,348	23,507
ADVER PUB	406	2,000	1,660	176	1,484
DATA PROC	19,776	3,300	2,739	574	2,165
REIMBURSMENT	918	550	457	2,157	(1,701)
EQUIPMENT	74,077	115,931	110,134	117,664	(7,530)
	<u>2,598,356</u>	<u>2,800,951</u>	<u>2,491,797</u>	<u>2,334,752</u>	<u>157,045</u>

ENERGY & GEOLOGICAL RESOURCES DIVISION

EXPENSE CATEGORY	Actual FY94	Budget FY95	YTD Budget 5/31/95	YTD Actual 5/31/95	Under (Over)
PERS SERV	2,254,092	2,396,255	2,204,555	2,059,488	145,067
PERS TRV IN	20,252	39,893	33,111	15,152	17,959
STATE VEHICL	12,298	19,000	15,770	9,399	6,371
DEPRECIATION	25,560	30,500	25,315	16,325	8,990
PERS TRV OUT	41,042	66,696	55,358	38,361	16,997
OFF SUPPLY	30,407	34,560	28,685	37,730	(9,045)
FAC MAINT SU	2,284	1,700	1,411	285	1,126
EQUIP MAINT	3,212	8,350	6,931	1,994	4,937
PROF SUPPLY	977	5,121	4,250	790	3,460
OTHER SUPPLY	21,530	36,953	30,671	21,140	9,531
PRINT & BIND	31,317	49,700	41,251	14,130	27,121
UNIFORMS	0	1,000	830	318	512
COMMUNICATIO	40,457	45,850	38,056	31,137	6,919
RENTALS	2,194	500	415	2,646	(2,231)
UTILITIES	19,980	18,400	15,272	15,732	(460)
PROF SERV	767,256	1,352,826	1,082,261	555,342	526,919
OUTSIDE SERV	21,166	75,677	62,812	35,621	27,191
ADVER PUB	460	0	0	219	(219)
DATA PROC	13,584	22,900	19,007	3,808	15,199
REIMBURSEMENT	5,306	7,330	6,084	5,115	969
EQUIPMENT	94,217	105,945	100,648	66,406	34,242
OTHER EXP	4,639	25,409	21,089	0	21,089
	3,412,230	4,344,565	3,793,781	2,931,138	862,643

ENVIRONMENTAL PROTECTION DIVISION

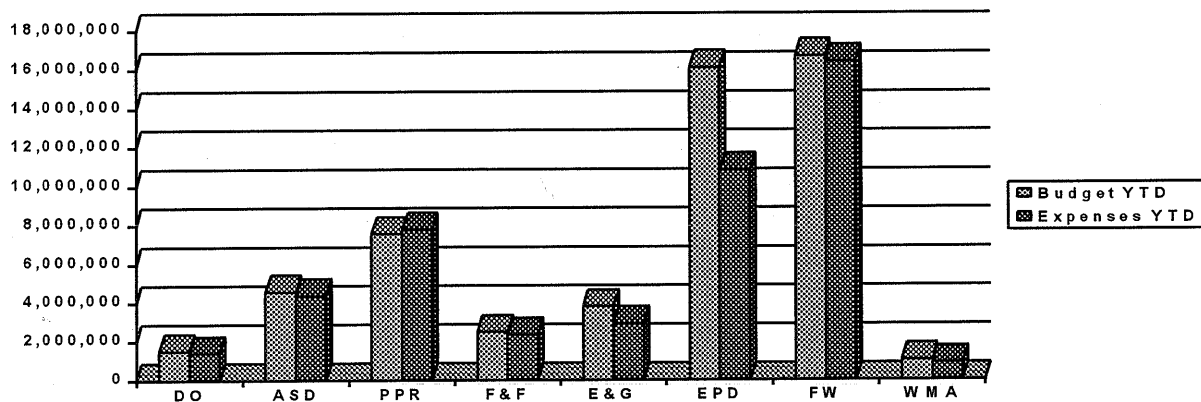
EXPENSE CATEGORY	Actual FY94	Budget FY95	YTD Budget 5/31/95	YTD Actual 5/31/95	Under (Over)
PERS SERV	7,539,956	8,584,860	7,898,071	7,175,486	722,585
PERS TRV IN	52,321	143,000	118,690	44,231	74,459
STATE VEHICL	38,614	48,500	40,255	34,848	5,407
DEPRECIATION	62,205	70,500	58,515	47,540	10,975
PERS TRV OUT	68,533	165,114	137,045	60,914	76,131
OFF SUPPLY	75,264	110,469	91,689	80,998	10,691
FAC MAINT SU	989	8,600	7,138	2,883	4,255
EQUIP MAINT	14,440	17,000	14,110	10,957	3,153
PROF SUPPLY	0	1,350	1,121	0	1,121
OTHER SUPPLY	21,959	44,050	36,562	14,523	22,039
PRINT & BIND	58,487	82,050	68,102	64,839	3,263
UNIFORMS	1,992	4,500	3,735	4,396	(661)
COMMUNICATIO	150,998	162,600	134,958	132,928	2,030
RENTALS	65,589	66,500	55,195	74,467	(19,272)
UTILITIES	17,622	24,811	20,593	14,919	5,674
PROF SERV	1,441,690	5,067,139	4,053,711	1,634,460	2,419,251
OUTSIDE SERV	84,580	71,080	58,996	71,098	(12,102)
INTRA TRANSF	0	404,000	404,000	404,000	0
ADVER PUB	6,536	10,600	8,798	5,170	3,628
DATA PROC	165,651	239,206	198,541	139,144	59,397
REIMBURSMENT	23,854	45,650	37,890	46,010	(8,121)
EQUIPMENT	323,387	2,772,339	2,633,722	754,455	1,879,267
OTHER EXP	8,650	23,250	19,298	0	19,298
	10,223,317	18,167,168	16,100,733	10,818,266	5,282,467

FISH AND WILDLIFE DIVISION

EXPENSE CATEGORY	Actual FY94	Budget FY95	YTD Budget 5/31/95	YTD Actual 5/31/95	Under (Over)
PERS SERV	11,725,190	11,802,780	10,858,558	10,977,462	(118,904)
SEASONAL HELP	621,243	781,508	609,576	614,929	(5,353)
PERS TRV IN	345,439	351,280	291,562	296,888	(5,326)
STATE VEHICL	505,451	497,386	412,830	463,618	(50,788)
DEPRECIATION	678,010	754,723	626,420	568,655	57,765
PERS TRV OUT	30,179	40,400	33,532	29,035	4,497
OFF SUPPLY	329,984	334,118	277,318	258,786	18,532
FAC MAINT SU	401,632	491,580	408,011	251,585	156,426
EQUIP MAINT	361,965	350,436	290,862	345,662	(54,800)
AG CONS SUPP	294,457	382,075	317,122	255,238	61,884
OTHER SUPPLY	152,016	105,707	87,737	141,739	(54,002)
PRINT & BIND	157,197	224,375	186,231	168,346	17,885
UNIFORMS	106,426	134,675	111,780	104,403	7,377
COMMUNICATIO	236,569	207,200	171,976	251,620	(79,644)
RENTALS	56,926	73,535	61,034	49,709	11,325
UTILITIES	212,848	226,116	187,676	172,635	15,041
PROF SERV	134,334	411,009	328,807	273,118	55,689
OUTSIDE SERV	207,047	162,812	135,134	149,058	(13,924)
ADVER PUB	2,024	2,600	2,158	1,582	576
DATA PROC	69,538	54,000	44,820	66,190	(21,370)
REIMBURSMENT	68,912	68,450	56,814	36,623	20,191
EQUIPMENT	439,667	1,258,954	1,196,006	931,091	264,915
OTHER EXP	1,897	600	498	5,032	(4,534)
LICENSES	46	300	249	1,053	(804)
	17,138,997	18,716,619	16,696,713	16,414,057	282,656

WASTE MANAGEMENT ASSISTANCE DIVISION

EXPENSE CATEGORY	Actual FY94	Budget FY95	YTD Budget 5/31/95	YTD Actual 5/31/95	Under (Over)
PERS SERV	710,567	750,557	690,512	676,517	13,995
PERS TRV IN	27,240	34,300	28,469	23,048	5,421
PERS TRV OUT	22,096	47,200	39,176	15,653	23,523
OFF SUPPLY	6,849	26,200	21,746	8,652	13,094
EQUIP MAINT	0	3,150	2,615	528	2,087
OTHER SUPPLY	7,665	5,585	4,636	2,356	2,280
PRINT & BIND	31,417	51,324	42,599	27,299	15,300
UNIFORMS	0	100	83	0	83
COMMUNICATIO	14,989	17,500	14,525	10,836	3,689
RENTALS	889	1,550	1,287	460	827
PROF SERV	66,367	118,411	94,729	55,923	38,806
OUTSIDE SERV	9,218	14,300	11,869	3,601	8,268
ADVER PUB	1,614	2,600	2,158	0	2,158
DATA PROC	7,270	7,600	6,308	3,352	2,956
REIMBURSMENT	16,575	23,100	19,173	11,698	7,475
EQUIPMENT	0	15,700	14,915	18,253	(3,338)
OTHER EXP	4,639	5,700	4,731	0	4,731
	927,395	1,124,877	999,530	858,176	141,354



IOWA DEPARTMENT OF NATURAL RESOURCES
Estimated Fiscal Resources, FY96

This schedule presents the General Fund appropriations, transfers and receipt estimates relating to the DNR's FY96 budget process, and also includes recent history for comparison purposes. The purpose of this presentation is to provide an overview to commissioners and staff regarding fiscal resources for budget preparation purposes. This is an initial estimate. It is likely receipt estimates will change as preparation of the FY96 operating budget and the FY97/8 budget request proceeds.

	Actual FY94	Est(Actual) FY95	Est. Balance 6/30/95	Estimated FY96
General Fund Operations:				
Admin. Support	1,877,244	1,853,748		1,884,780
Parks, Preserves	5,424,969	5,470,362		5,565,094
Forests & Forestry	1,443,518	1,463,951		1,498,405
Energy & Geology	1,660,573	1,655,479		1,681,033
Env. Protection	2,083,640	1,534,780		1,642,927
General Fund Operations:	12,489,944	11,978,320		12,272,239
Fish & Wildlife Receipts:				
Interest	260,248	240,000		230,000
Licenses, General	13,104,972	14,610,000		14,200,000
Habitat & Waterfowl Stamps	1,320,224	1,550,000		1,500,000
Land Mngt Income	367,186	580,000		500,000
Non-Game Checkoff	171,556	150,000		170,000
Liquidated Damages	89,236	85,000		85,000
Other	987,624	450,000		350,000
Total FW Receipts	16,301,046	17,665,000	3,800,000	17,035,000
Transfer to Fish & Wildlife:				
Marine Fuel Tax				
Boat Fees	950,000	1,571,590		1,200,000
Snowmobile Fees	100,000	100,000		100,000
Total FW Transfers	1,050,000	1,671,590	0	1,300,000
Park and Forestry Receipts:				
Camping, Concessions, Etc.	1,543,891	1,810,000		1,900,000
Leases & Royalties	434,110	400,000		400,000
Cedar Rock Support	116,244	117,000		118,000
MFT Transfer	411,311	411,311		411,311
Nursery Stock	638,732	520,000		650,000
Other	291,882	100,000		150,000
Total Parks & Forestry	3,436,170	3,358,311	0	3,629,311

	Actual FY94	Est(Actual) FY95	Est. Balance 6/30/95	Estimated FY96
Administrative Receipts:				
Sale of Publications	344,051	242,000		350,000
Copy Fees & Misc.	47,535	60,000		50,000
Reap 1% Transfer	75,005	76,000		90,000
Total Admin Fees	466,591	378,000	0	490,000
Federal Reimbursements:				
EPA Related	5,841,149	6,050,000		6,100,000
Fish & Wildlife (PR, DJ)	5,984,181	6,600,000		6,200,000
Agriculture (Forestry)	484,868	475,000		475,000
Coast Guard (Boat Safety)	426,000	300,000		0
Parks (LAWCON)	400,000	300,000		0
Energy	860,578	900,000		900,000
Geological Survey	66,015	90,000		90,000
FEMA (Disaster Assistance)	302,000	350,000		125,000
Total Federal	14,364,791	15,065,000	0	13,890,000
Groundwater Fund:				
Storage Tank Account	604,637	600,000	130,000	600,000
GW Oil Overcharge Account	300,000	0	250,000	
Household Hazardous Waste	462,700	250,000	125,000	300,000
Ag Management Account	3,300,493	3,700,000	2,100,000	3,300,000
Solid Waste Account	7,453,053	7,200,000	7,600,000	6,500,000
Total Groundwater	11,216,246	11,150,000	9,825,000	10,100,000
Corps Reservoirs, Cond. Five:				
Red Rock	6,881	300,000	440,000	250,000
Rathbun	10,690	30,000	5,600	25,000
Coralville	6,359	57,000	37,500	40,000
Saylorville	10,216	44,000	45,900	50,000
Des Moines River	0	11,600	14,000	14,000
Missouri	7,000	7,250	37,000	7,000
Total Condition Five	41,146	449,850	580,000	386,000
Oil Overcharge Accounts:				
Diamond Shamrock	14,041	15,000		10,000
Stripper Wells	460,621	216,000		100,000
Exxon	232,685	144,000		75,000
Warner	54,000	6,400		0
Total Oil Overcharge	761,347	381,400	0	185,000
Boat Fees	502,339	2,000,000	2,000,000	500,000
Snowmobile Fees	103,571	530,000	565,000	90,000

	Actual FY94	Est(Actual) FY95	Est. Balance 6/30/95	Estimated FY96
ATV Fees	85,286	76,000	98,000	50,000
Geology Receipts (Maps, Etc)	33,798	27,500		25,000
Hazardous Waste Rem. Fund	238,710	285,000	1,350,000	250,000
REAP Fund	7,500,000	7,750,000	5,200,000	9,000,000
Waste Volume Reduction Fund	115,493	54,000	224,000	75,000
Air Toxics Fees Fund	592,245	5,694,000	4,000,000	4,000,000
GW Professional Reg. Fees	69,635	12,500	88,000	15,000
Storm Water Permit Fees	214,367	190,000	840,000	190,000
Well Driller Certification Fees	99,740	17,600	140,000	18,000
Lab Certification Fees	65,100	19,500	73,000	25,000
Commercial Septic Fees	3,375	3,350		3,300
SW Operation Certification	11,544	5,700		6,000
MFT Capitals	1,650,000	1,600,000	950,000	1,600,000
Water Quality Protection Fund	318,015	485,000	375,000	404,000
Special Appropriations:				
UST Administration Expenses				75,000
Public Water Assistance				100,000
Natural Lake (5 Island)				100,000
Backbone Park Projects				500,000
Lake Ahquabi Dredging				184,000
Hickory Grove Lake Repair				250,000

Mr. Kuhn reported that Parks Division will meet their budget with increased camping receipts. He noted that \$140,000 will need to be transferred from other divisions to the Forestry Division to compensate for shortfalls in the nursery stock sales. He stated staff will soon start work on the FY97-98 budget request cycle and will provide information to the Commission as it becomes available. He related that the department would like the Commission's input as early as possible.

Brief discussion followed.

INFORMATIONAL ONLY

BY-PRODUCT AND WASTE SEARCH SERVICE (BAWSS) CONTRACT APPROVAL

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

The By-product and Waste Search Service program is funded with solid waste tonnage fees as established in Iowa Code 455B.310. This program facilitates waste exchanges from generator industries to other industries or recyclers that can use the waste material as a raw material. The Iowa Waste Reduction Center at the University of Iowa is the program project manager. Because program management has been very satisfactory, approval is requested to renew this contract for 1995 - 1996.

- 1) Iowa Waste Reduction Center at the University of Northern Iowa \$25,000 for 1995-1996
(Total contract: \$75,000 for 1993-1996)

ARTICLE VI. SCOPE OF WORK

The Contractor shall perform in a satisfactory and proper manner the work and services outlined by this agreement.

- 6.1 Ongoing technical assistance, including the research of by-products and other materials that would otherwise be considered wastes, and providing appropriate technical assistance to regional representatives. The research shall include the following:
 - 6.1.1 Attendance at conferences and workshops to keep up-to-date on new uses and other organizations' work on extending the life of materials;
 - 6.1.2 Investigation of new research and uses through journals and technical documents;
 - 6.1.3 Use of the By-product and Waste Reference System software;
 - 6.1.4 Visiting and calling new markets such as recycling companies, manufacturers and other users of materials to determine their wants and uses of materials; and
 - 6.1.5 Pursuing applied research efforts that will help create an effective exchange service.
- 6.2 Ongoing BAWSS interaction with regional representatives, including, as appropriate:
 - 6.2.1 Production of the following reports, which will be sent to the regional representatives: "Materials Available" in the applicable region, "Materials Available" throughout the State, "Materials Matched" in the applicable region; and
"Materials Matched" throughout the State.
 - 6.2.2 BAWSS staff shall provide the Department with assessments of its communications with regional representatives, especially as they relate to

- performance and fulfilling the BAWSS mission. Assessments shall be included in the quarterly reports and also as needed by telephone and Fax.
- 6.2.3 BAWSS staff shall provide a variety of training opportunities for regional representatives. Quarterly meetings with regional representatives to accomplish the following: Training on technical issues such as hazardous materials transfers; discussion of successes, problems, concerns and experience; and discussion of other business.
 - 6.2.4 Monthly telenet meetings in months when quarterly meetings are not held.
 - 6.2.5 Facilitate communication between participating regional representatives.
 - 6.2.6 Ongoing communication with regional representatives through one-on-one phone calls to identify progress, problems and successes in their regions. This will include on-going dissemination of training and reference materials, including new market information, articles, and other literature. It also includes follow-up communication to determine reliability of new and existing markets. In addition, it includes problem-solving with regional representatives about BAWSS issues such as use of common terminology, education programs, and other ongoing problems.
- 6.3 BAWSS staff shall continue its special projects, including:
 - 6.3.1 Ongoing development of training and reference materials.
 - 6.3.2 Continued BAWSS participation in the national materials exchange network.
 - 6.3.3 Market information sharing.
 - 6.4.4 Interaction with developing waste exchanges in North America.
 - 6.4.5 Marketing of waste exchange through presentations, the media and other mechanisms.
 - 6.4 BAWSS staff shall provide ongoing BAWSS data management, including:
 - 6.4.1 IWRC Material Information Form and Referral Form data on BAWSS software program for counties not served by regional representatives, and for out-of-state calls, and management of data generated by regional representatives.
 - 6.4.2 Ongoing revision of BAWSS software to make it more functional and efficient.
 - 6.5 BAWSS staff shall work with regional representatives on the use of BAWSS software system.
 - 6.6 BAWSS staff shall provide the Department with research and technical assistance information, reports and software that does not contain individual company names as they are provided to the regional representatives.
 - 6.7 BAWSS staff and the Department shall meet with each BAWSS representative at least once to determine if the BAWSS program is meeting the needs of the region.

ATTACHMENT A

PAYMENT AGENT AND BUDGET 1995 - 1996

Payment made to:

University of Northern Iowa

Iowa Waste Reduction Center
Attn.: Edward Ebert
75 Biology Research Complex
Cedar Falls, Iowa 50614

BUDGET

<u>Cost Description</u>	<u>State Funds</u>
Salaries and Fringe	<u>\$ 20,000</u>
Travel, Postage & Phone	<u>4,000</u>
Total Direct Costs	<u>24,000</u>
Indirect Cost:	<u>1,000</u>
TOTAL	<u>\$ 25,000</u>

Ms. Hay explained details of the contract.

Brief discussion followed.

Motion was made by Gary Priebe to approve the By-Product and Waste Search Service Contract with Iowa Waste Reduction Center at UNI as presented. Seconded by Verlon Britt. Motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE--CHAPTER 145, HOUSEHOLD BATTERIES

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

The Commission is requested to approve the proposed rule relating to the use and regulation of household batteries. Chapter 145, "Household Batteries" Iowa Administrative Code is proposed to implement Iowa code sections 455D.10A and 455D.10B. This final was originally presented to the commission at the March 1995 meeting.

Iowa code sections 455D.10A and 455D.10B establish laws and standards regarding the management of household batteries. These laws include: 1) a limit on the amount of mercury added to household batteries; 2) the management of nickel-cadmium, mercuric oxide and smaller sealed lead acid batteries by reducing the toxics, establishing a recycling program or establishing a disposal program; and 3) a requirement that rechargeable batteries are easily removed from rechargeable consumer products. The rechargeable battery, rechargeable consumer product and

the product package must be labeled to indicate that these batteries must be managed through recycling or proper disposal.

The proposed rule clarifies the responsibilities of household battery manufacturers, distributors, dealers, and consumers regarding the recycling and proper disposal requirements for nickel-cadmium, mercuric oxide and smaller sealed lead-acid batteries.

Notice of Intended Action was published December 21, 1994, as ARC 5321A. The Notice of Intended Action stated that any interested person may make written suggestions or comments on the proposed rule on the Notice Of Intended Action prior to January 11, 1995. A public hearing was held for the purpose of receiving written and oral comments on the proposed rule. This hearing was held January 11, 1995 at 10:00 a.m. at the Wallace State Office Building, 5th Floor West Conference Room, 900 East Grand Avenue, Des Moines, Iowa.

Nine participants were present at the January 11 hearing. Oral comments were taped. Five written comments were submitted. Due to comments received changes have been made in two sections of the proposed rule.

In subsection 145.3 the original first sentence was deleted and except those batteries subject to regulation under the federal Resource Conservation and Recovery Act, 42 U.S.C. 6901, et seq. was added to the second sentence.

The following was added after this sentence to more clearly describe which batteries are included in the collection and/or proper disposal program:

1. Only button cell batteries containing mercuric oxide are included in this collection program for recycling or proper disposal. Mercuric oxide button cell batteries shall bear an appropriate identification mark. (Non mercuric oxide button cell batteries are not included in this collection program for recycling or proper disposal.)

2. Only rechargeable dry cell batteries containing nickel-cadmium (i.e. rechargeable kitchen appliances, rechargeable power tools and other household applications) are included in this collection program for recycling or proper disposal. (This collection or proper disposal program would not include non-rechargeable batteries used in radios, flashlights and other household applications.)

3. Only sealed lead-acid batteries used in non-vehicular rechargeable (i.e. camcorders, computers, cellular phones and other household applications) products weighing less than 25 pounds are included in this collection program for recycling or proper disposal.

Subsection 145.4(3) was changed to clarify that the manufacturer is responsible for the costs of recycling or proper disposal of the household batteries that he manufacturers so the consumer is not charged when returning their waste batteries. The revised subsection follows:

A consumer shall not be required to pay for any collection, disposition and recycling activities after the original purchase of the battery. However these charges may be built into the original cost of the product.

The attachment includes the proposed rule, a summary of the Portable Rechargeable Battery Association's comments regarding the rule, the public participation responsiveness summary for the proposed rule and an appendix to provide additional pertinent information.

**ENVIRONMENTAL PROTECTION [567]
CHAPTER 145
HOUSEHOLD BATTERIES**

567--145.1(455B, 455D) Scope. This chapter is intended to assist the implementation of the provisions of Iowa Code sections 455D.10A and 455D.10B. The Act limits the amount of mercury added to an alkaline manganese battery and prohibits the disposal of batteries specified in 455D.10A(3)"a"(1) as part of the mixed municipal solid waste stream. All consumers shall be informed of this prohibition on disposal. The Act further requires the establishment of a system or systems that would require any or all of the following: elimination or reduction of heavy metals or other toxic components, establishment of a comprehensive recycling program, or collection, transport, and proper disposal of the specified batteries.

Household batteries in rechargeable consumer products shall be easily removable or contained in a battery pack. The rechargeable consumer product, the battery, and the product package shall be labeled to notify the consumer of the need to recycle and of the type of electrode used in the battery.

These provisions will further ensure the protection of the state's groundwater resources while protecting the health and safety of the citizens of Iowa and the environment as a whole.

567--145.2(455B, 455D) Definitions. As used in this chapter in addition to the definitions set forth in code section 455D.10A:

"*Act*" means Iowa Code sections 455D.10A and 455D.10B.

"*Alkaline manganese battery*" means a battery consisting of a manganese dioxide positive electrode, a zinc negative electrode and an alkaline electrolyte.

"*Battery pack*" means one or more batteries enclosed in a housing.

"*Collection entity*" is defined in 455D.10A(3)"b"(1).

"*Collection system*" means a system or systems in which household batteries, as specified in 455D.10A(3)"a"(1), are collected by several methods to be recycled or properly disposed. The methods include but are not limited to: point of purchase return, mail-in return, a combination of both or a collection entity.

"*Dealer*" means any person who sells or otherwise offers household batteries to a consumer.

"*Department*" means the Iowa department of natural resources.

"*Distributor*" means any person who sells or otherwise offers household batteries to dealers.

"*Institutional generator*" is defined in 455D.10A(1)"e".

"*Manufacturer*" means any person who manufactures or offers household batteries for sale to distributors or dealers. The manufacturer's name that appears on the battery or rechargeable consumer product shall be presumed to be the manufacturer.

"*Mercuric oxide battery*" means a battery consisting of a mercuric oxide positive electrode and a zinc negative electrode.

"Nickel-cadmium battery" means a battery consisting of a nickel positive electrode and a cadmium negative electrode.

"Participants in the stream of commerce" means any dealer, distributor or manufacturer who is involved in the manufacturing, distribution, or sale of household batteries specified in 455D.10A(3)"a"(1).

"Sealed lead-acid battery" means a battery consisting of positive and negative electrode materials which are leads or compounds thereof, used in nonvehicular applications and weighing less than twenty-five pounds.

"Unreasonable hazard to public health, safety, or the environment" means a situation caused by the improper disposal of an item that is flammable, corrosive, toxic, or reactive, as defined by EPA regulations, that may result in harm to the public health, safety, or the environment. The harm created from improper disposal may be evident immediately or after a period of time. This definition relates to 455D.10B(2)"c".

567--145.3(455B, 455D) Household Batteries.

Any and all batteries specified in 455D.10A and 455D.10B that are used for any and all purposes are covered by this Act, except those batteries subject to regulation under the federal Resource Conservation and Recovery Act, 42 U.S.C. 6901, et seq.

1. Only button cell batteries containing mercuric oxide are included in this collection program for recycling or proper disposal. Mercuric oxide button cell batteries shall bear an appropriate identification mark. (Non mercuric oxide button cell batteries are not included in this collection program for recycling or proper disposal.)

2. Only rechargeable dry cell batteries containing nickel-cadmium (i.e. rechargeable kitchen appliances, rechargeable power tools and other household applications) are included in this collection program for recycling or proper disposal. (This collection or proper disposal program would not include non-rechargeable batteries used in radios, flashlights and other household applications.)

3. Only sealed lead-acid batteries used in non-vehicular rechargeable (i.e. camcorders, computers, cellular phones and other household applications) products weighing less than 25 pounds are included in this collection program for recycling or proper disposal.

567--145.4(455B, 455D) Recycling/Disposal Requirements for Household Batteries.

145.4(1) It is the ultimate responsibility of the manufacturers working with the other participants in the stream of commerce, to establish and maintain a system or systems for the proper collection, transportation and recycling or disposal of waste batteries, specified in 455D.10A(3)"a", for consumers and institutional generators in Iowa, beginning July 1, 1996.

145.4(2) The manufacturers shall provide a plan to the department, by May 1, 1996, that specifically identifies a system or systems for the proper collection, transportation and recycling or disposal of, the specified, waste household batteries. This information shall identify transporters and recycling or disposal destinations.

145.4(3) A consumer shall not be required to pay for any collection, disposition and recycling activities after the original purchase of the battery. However these charges may be built into the original cost of the product.

145.4(4) As part of the requirement of informing each consumer of the safe and convenient return process available for recycling or proper disposal of waste batteries, pursuant to Iowa code subsection 455D.10A(3)"b"(2), a manufacturer shall provide a telephone number to each consumer of the specified batteries that provides information on returning these batteries for recycling or proper disposal. This telephone number shall also be provided to the department.

567--145.5(455B, 455D) Exemptions for batteries used in rechargeable consumer products.

A rechargeable consumer product manufacturer may apply to the department for exemption from the requirements of 455D.10B(1). An application for exemption from these requirements shall be submitted on 8 1/2 x 11 inch paper and contain:

- a. The name, address, and telephone number of the applicant and the applicant's contact;
- b. A statement setting forth the specific basis upon which the exemption is sought.

The information required pursuant to this subsection shall be furnished to the department for each specified rechargeable consumer product for which an exemption is sought. The department shall approve or deny an exemption upon receipt of an application therefor. Allowable exemptions are specified in 455D.10B(2) "a" through "d".

(A copy of the Public Responsiveness Summary is on file in the department's Records Center)

Ms. Hay reviewed that last month staff thoroughly discussed the Commission's questions about what occurred in other states in terms of battery legislation, as well as the type of batteries involved in the rules, and the objections raised to the rules. She related that last month the Commission received a letter from Mike Lynch, Illinois Tool Works, on behalf of the Portable Rechargeable Battery Association, requesting a meeting with staff to address their concerns with the proposed rules. Ms. Hay reported that the meeting was held on June 6, and Mike Lynch, Steve Roberts, and Dave Thompson (PRBA) were present. She added that they had told the Commission last month that they wanted to present a radically different proposal for the battery rules, and that was not received. Rather, their proposals were fairly minor and Ms. Hay provided some examples of same. She related that their comments were actually a clearer explanation of the same comments they had made at the administrative hearing several months ago, and staff did not feel there was justification to delay the rules any further.

Discussion followed regarding how the batteries will be labeled as a result of the rules and whether recycling information will be on the battery itself or on the packaging.

Kathryn Draeger asked if the rules, under 145.4(4), require industry to provide a toll free phone number for consumer information/questions.

Ms. Hay noted that the rules state a telephone number will be provided but do not specify that it be toll free.

Public Participation

Steve Roberts

Steve Roberts, Davis et.al. Law Firm, representing Portable Rechargeable Battery Association (PRBA), stated that last month he presented a letter from Mike Lynch which informed that federal rule 273 had passed and, as a result of that, felt it was appropriate to meet with DNR staff and discuss how that rule impacted upon the proposed rules. Mr. Roberts distributed copies of proposed changes he presented in his meeting with Jeff Fiagle, WMA Division. He related that he does not feel that staff addressed the concerns expressed by his group as he has not received a response from the department. He expanded on his proposed changes relating that a definition for "consumer" should be included. Mr. Roberts, citing 145.3 of the rule, stated that he is very unclear as to what batteries are, or are not, covered under the proposed rules in light of the adoption of federal rule 273. He also noted that his proposal adds alkaline manganese and other non-rechargeable batteries to the rule. Of particular concern to Mr. Roberts was 145.4(1) wherein he suggested that everyone in the chain of commerce be responsible to establish and maintain the collection procedure, rather than only the manufacturers. He also expressed concern with 145.4 where it states that the consumer is not required to pay for any collection. Additionally, there is concern with the issue of putting a telephone number on the battery. In conclusion, Mr. Roberts asked the Commission to delay the rule until a response to his concerns is received and to allow continued dialogue with staff and the department.

Mike Lynch

Mike Lynch, Illinois Tool Works, representing PRBA as well as Illinois Tool Works, addressed the Commission noting that while there are 155 manufacturers of batteries and organizations that have their own retail network and are represented by PRBA, there are also individual company interests. He stated that a company may choose not to be a part of the RBRC and yet be in compliance with the statute. He noted that several years down the road, if it is not economically feasible for their company to continue to participate in the RBRC program, they may decide to establish their own take-back program. He related that the statute enacted in 1992 does not say they would have to absorb the cost of the collection program in the cost of the battery. He noted that they may decide to sell their product in a plastic tube made of recycled P.E.T. with a cap on it, with a label on the inside that reverses so that by adding a postage stamp it will be returned to the company. Mr. Lynch added that the statute does not require him to put a telephone number on the product. He noted that there is a provision in the rule that says it does not apply to batteries covered by RCRA. He related that all nicad batteries are regulated by RCRA, even those that have an exemption because they are household, and he asked if that nullifies all of the statute prior to that paragraph. He stated that he does not believe the DNR has the authority to impose on industry certain pre-conditions that are not in the statute, and business does not need that kind of over-regulation.

Verlon Britt asked Mr. Lynch why they would exclude themselves from sharing in the cost of disposal if his company manufactures something that has a potential for being hazardous.

Mr. Lynch stated that the company may decide that consumers, in the company's case, mostly tradespeople, should be made aware that it is a hazardous waste product and they are responsible for disposing of it in a proper manner.

Dennis Gordy

Dennis Gordy, Mason City, expressed concern with the proposed rules relating to 145.4(2) and 145.4(4) relating that he perceives this to be a gross over extension of the rulemaking authority on the part of the department. He related that the original bill, as proposed to the legislature, included both of those types of requirements, but during the legislative process those items were removed. He added that he feels that the department has no authority to write them back into the legislation. He asked the Commission not to approve the proposed rules unless the two items are removed.

Bob Guyer

Bob Guyer, Eveready Battery Company, stated that he works with many states with this sort of legislation and Iowa is the only one that has had administrative rulemaking on the topic. He related that when Iowa passed the law that said everyone in the chain of commerce has to participate in the battery recycling process, other states followed suit. Mr. Guyer stated that if the burden is placed on manufacturers alone it becomes more difficult to have an effective take-back program. He noted that industry has indicated that they are going to solve the problem by creating a national battery collection program. He added that industry looks at the proposed rules and asks why the department is reallocating the duties the legislature had negotiated with industry to take on. Mr. Guyer stated that last week the state of Michigan repealed this law. He asked the Commission to let DNR and industry work together to solve the problems and bring in the program.

Ms. Hay stated that the legislature passed the law regulating household batteries and they required the DNR to develop administrative rules to implement that law. She stressed that it is the practice in Iowa that the regulatory agencies are those that implement the laws, not that industry regulates itself. She pointed out that the rules regulate only 5 -10% of all batteries sold in the U.S. every year. Ms. Hay noted that the department did prepare a formal written response to all of the comments that were received in the administrative process. She reiterated that in the meeting with Mr. Roberts, Mr. Lynch, and Mr. Thompson new information was not received, only greater detail of previous comments was provided. She noted that the definition of "consumer" is included in the Code, and the rules are not to be read separately from the legislation. She pointed out that the definition of "household battery" is defined in the law and includes additional battery chemistries, which have been left out in the definition that industry proposes to add to the rule. Additionally, their argument that because the federal law says these batteries are specifically exempted by federal law, therefore they are regulated by that federal law, is an attempt to confuse the issues and delay the rules. Ms. Hay stated that 145.4 places the ultimate responsibility with the manufacturers to provide the impetus to make the collection process happen but it in no way exempts the other participants in the chain of commerce. She

noted that in regard to providing a telephone number for consumers, industry's plan itself states they will provide an 800 number to consumers. Ms. Hay noted that the department's responsibility is to carry out the rules set forth by law and it is now drawing very close to the 100 day deadline to adopt the rules.

A lengthy discussion took place in regard to industry being made the responsible party to establish and maintain the program.

Steve Roberts stated that he would be willing to live with the whole chain of command having responsibility for the program but does not like being mandated by rule that industry has the ultimate responsibility.

Further discussion followed regarding possible language changes to the rule.

Terrance Townsend asked if staff could get back together with industry representatives and then hold an electronic meeting at a later date.

Teresa Hay suggested deleting the word "ultimate" in 145.4(1) as that seems to be the prime objection.

Terrance Townsend commented that he is disappointed there isn't some consensus, adding that industry has some good ideas and they do not need somebody whipping at their back.

Ms. Hay emphasized that the plan put forward by industry is consistent with the rules. She added that there are differences but for the most part it is basically consistent.

Steve Roberts stated that if the ultimate responsibility lies with the manufacturer, industry feels the legislature should say that. He added that it was to be a group effort with everyone holding responsibility. He noted that the fact that industry is willing to go the extra mile in their program is a sign of their good faith.

Ms. Hay pointed out that the states of Florida, Maine, Maryland, Minnesota, New Jersey and Vermont, in their legislation, all place sole responsibility for collection of the batteries on the manufacturers. She related that even if it was taken out of the rules it will not change what is going to happen on a national basis, in terms of what the industry has to do.

Discussion continued in regard to what is stated in the Code and the responsibility factor.

Gary Priebe stated that since there is quite a difference of opinion he would like to see some of the issues revisited, but on the other hand he feels it is important to approve the rules and not start the whole process over. He added that it is his feeling the rules should go to the AARC and if there is a problem it will come back to the Commission. He related that staff and industry could meet and work out any needed revisions.

Motion was made by Gary Priebe to approve Final Rule--Chapter 145, Household Batteries and to strike the word "ultimate" in 145.4(1). Seconded by Kathryn Draeger.

Terrance Townsend stated that he is disappointed that all concerns expressed by industry were not worked out and he will vote against it.

Discussion followed in regard to staff possibly meeting in the very near future with interested parties to work out their differences, and then come back to the Commission in an electronic meeting. Also discussed was the timeline for adopting the rules.

Verlon Britt moved to amend the motion to table the item until the conference call takes place.

Commissioner Britt's motion did not receive a second. Commissioner Priebe related that he will withdraw his motion if that is the consensus of the Commission.

Gary Priebe withdrew his motion. Kathryn Draeger concurred in withdrawal of the motion.

Motion was made by Gary Priebe to delay Final Rule--Chapter 145, Household Batteries until staff and industry meet to discuss their differences, then to hold an electronic meeting prior to the deadline for adopting the rules. Seconded by Terrance Townsend. Motion carried unanimously.

DELAYED UNTIL EARLY JULY

CONTESTED CASE APPEAL--JAY ANDERBERG; DIANE MCKELLIP

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On August 2, 1994, the department issued Administrative Order 94-UT-32 to Jay Anderberg and Diane McKellip. That action required the parties to properly close underground storage tanks. That action was appealed by Jay Anderberg and Diane McKellip, and the matter proceeded to administrative hearing on January 5, 1995. The Administrative Law Judge issued the Proposed Findings of Fact, Conclusions of Law, and Order on March 17, 1995. The decision affirmed the issuance of the Order.

Jay Anderberg and Diane McKellip have appealed this order to the Commission. The department contends that the appeal of Diane McKellip was not filed on time. The Proposed Decision, and pertinent documents have been distributed to the Commissioners. The entire record, including hearing tapes and exhibits are available for the Commission's review. The parties will be available to argue their respective positions and respond to questions. The Commission may then affirm the Proposed Decision, or modify or reverse it, substituting their

own findings of fact and conclusions of law based on conclusions drawn from their review of the record and legal argument.

Mr. Murphy briefed the Commission on this case requiring closure of some underground storage tanks. The Administrative Law Judge (ALJ) upheld the Order that the parties were owners of the tanks and are responsible for the closure requirements. He noted that the Commission's role is to review the record and the decision of the ALJ and not to accept any new evidence.

Appointment - Diane McKellip

Diane McKellip stated that she received a notice that she had filed her appeal three days late. She explained that the first notice she received was on March 18 and the second notice was not received until the 23rd, so she figured the 30-day deadline for appealing from the 23rd. She related that the post office closes at noon on Saturday and she does not receive her mail until 1:00 p.m., but she thought she had plenty of time to appeal. She asked the Commission to accept her appeal.

Brief discussion followed regarding what benefit the appeal would have for Mrs. McKellip.

Mr. Stokes explained that the Commission will need to decide if they are going to accept her appeal, and if so, then a decision is needed as to whether the Commission will uphold, overturn, or modify the ALJ decision.

Charlotte Mohr stated that there is no postmark on the letter from Mrs. McKellip and she inquired as to when it was sent.

Dave Wornson, Legal Bureau, stated that there is a copy of a postmarked envelope and that is the date staff uses for figuring the appeal deadline.

Motion was made by Kathryn Murphy to accept the appeal of Diane McKellip. Seconded by Gary Priebe. Motion carried unanimously.

APPEAL APPROVED

Motion was made by Charlotte Mohr to uphold the Administrative Law Judge decision. Seconded by Gary Priebe. Motion carried unanimously.

ALJ DECISION UPHELD

MONTHLY REPORTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
RULEMAKING STATUS REPORT
June 1, 1995

PROPOSAL	NOTICE TO COMMISSION	NOTICE PUBLISHED	RULES REVIEW COMMITTEE	HEARING	FINAL SUMMARY TO COMMISSION	RULES ADOPTED	RULES PUBLISHED	RULES REVIEW COMMITTEE	RULE EFFECTIVE
1. Ch. 20, 22 - Revisions to Voluntary Operating Permit Rules	5/15/95	6/07/95	*7/11/95	*7/07/95	*8/21/95	*8/21/95	*9/13/95	*10/04/95	*10/18/95
2. Ch. 20, 22, and 25 - Air Quality	2/20/95	3/15/95	4/10/95	4/17/95	5/15/95	5/15/95	6/07/95	*7/11/95	*7/12/95
3. Ch. 22 - Air Quality Construction Permits	11/21/94	12/21/94	1/19/95	1/23/95	5/15/95	5/15/95	6/07/95	*7/11/95	*7/12/95
4. Ch. 22 - Background Values for PM-10	6/19/95	*7/19/95	*8/14/95	*8/ /95	*9/18/95	*9/18/95	*10/11/95	*11/14/95	*11/15/95
5. Ch. 22, 23 - Standards for Hazardous Air Pollutants for Source Categories	5/15/95	6/07/95	*7/12/95	*7/07/95	*8/21/95	*8/21/95	*9/13/95	*10/04/95	*10/18/95
6. Ch. 40, 43 - Water Supply Permit Fees	9/19/94	10/12/94	11/01/94 11/02/94 11/03/94 11/04/94	1/17/95	1/17/95	1/17/95	2/15/95	3/14/95	Delayed
7. Ch. 47 - Grants to Counties	*7/17/95	*8/16/95	*9/12/95	*9/ /95	*10/16/95	*10/16/95	*11/08/95	*12/12/95	*12/13/95
8. Ch. 61 - Stream Use Classification	1/17/95	2/15/95	3/14/95	3/07/95 3/08/95 3/09/95 3/10/95	5/15/95	5/15/95	6/07/95	*7/11/95	*7/12/95
9. Ch. 61 - WQ Standards - Corps of Engineers Regional Section 404 Permits	5/15/95	6/07/95	*7/12/95	-----	*8/21/95	*8/21/95	*9/13/95	*10/04/95	*10/18/95
10. Ch. 111 - Landfill Financial Responsibility		E M E R G E N C Y			5/15/95	5/15/95	6/07/95	*7/11/95	5/19/95
11. Ch. 112- Infectious Waste	3/20/95	4/12/95	5/08/95	5/23/95	*7/17/95	*7/17/95	*8/16/95	*9/12/95	*9/20/95
12. Ch. 117 - Waste Tire Collection and Processing	3/20/95	4/12/95	5/08/95	5/25/95	*7/17/95	*7/17/95	*8/16/95	*9/12/95	*9/20/95
13. Ch. 135 - Underground Storage Tanks	*7/17/95	*8/16/95	*9/12/95	*9/ /95	*10/16/95	*10/16/95	*11/08/95	*12/12/95	*12/13/95
14. Ch. 145 - Household Batteries	11/21/94	12/21/94	1/19/95	1/11/95	6/19/95	*6/19/95	*7/19/95	*8/14/95	*8/23/95

* Projected

Monthly Variance Report						
May 1995						
Item No	Facility	Program	Engineer	Subject	Decision	Date
1	Rasmussen, Dirk & Julie	Air Quality		Structures	Approved	05/03/95
2	Orchard, City of	Wastewater Construction	Yaggy Associates	Colby Testing	Approved	05/17/95
3	Davenport Companies	Flood Plain	Siouxland Engineering	Backwater	Approved	05/19/95
4	Ottumwa, City of	Flood Plain	McClure Engineering, Inc.	Backwater	Approved	05/20/95
5	Sioux City, City of	Flood Plain	Siouxland Engineering	Backwater	Approved	05/19/95
6	Cedar Rapids, City of	Solid Waste		Gas Control	Approved	05/08/95
7	Coffman Carts - Clear Lake	Watersupply Construction	Yaggy Associates	Colby Siting Criteria	Approved	05/25/95

Hazardous Condition Response Report

During the period May 1, 1995, through May 31, 1995, reports of 90 hazardous conditions were forwarded to the central office. Two incidents are highlighted below. A general summary and count by field office is attached. This does not include releases from underground storage tanks, which are reported separately.

Date Reported and County	Material, Amount, Cause, Location & Impact	Responsible Party	Response
05/02/95 Cerro Gordo	160 gallons of rinse water with a residue of 28% Nitrogen and 2,4-D were spilled on a county road near Mason City. The spill occurred when a hose on an applicator became loose. No impacts to surface waters were observed.	Chuck Whitt 18422 305 Street Mason City, IA 50401	The fire department flushed the product off the road with water, except near a small creek. It should be noted that this is not usual procedure. This was allowed because the solution was so dilute.
05/03/95 Dickinson	A fire occurred near Terril in a machine shed containing 1400 pounds of technical grade Thimet. A floor drain in the shed flows directly to a creek. However, no run-off reached the creek.	Scott Olson 2870 270th Street Dickens, IA 51333	The fire department plugged the drain. The responsible party was advised that the waste pesticides could be tested for active ingredients and then land applied at a rate consistent with labeling directions.

Month	Total Incidents	Petroleum Product	Agri - Chemical	Other Chemicals and Substances	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
October	51(56)	38(37)	3(6)	10(13)	32(34)	0(0)	16(20)	0(0)	0(0)	10(2)
November	54(52)	24(34)	7(3)	23(15)	29(30)	0(3)	22(14)	3(0)	0(1)	0(4)
December	52(41)	27(30)	2(2)	23(9)	38(23)	1(0)	12(14)	0(2)	0(0)	1(2)
January	48(67)	29(47)	7(3)	12(14)	31(38)	0(1)	14(23)	1(2)	1(2)	1(1)
February	40(57)	30(38)	0(3)	10(16)	23(29)	0(2)	16(22)	2(0)	1(0)	0(2)
March	41(69)	27(42)	5(6)	9(21)	44(24)	0(0)	17(14)	0(2)	0(3)	0(6)
April	75(88)	30(39)	25(33)	20(16)	39(50)	1(0)	30(29)	1(1)	1(1)	3(7)
May	90(75)	45(28)	40(29)	5(18)	34(38)	0(5)	49(22)	2(2)	1(3)	4(5)
June										
July										
August										
September										

Total Number of Incidents Per Field Office This Period:

(numbers in parentheses for the same period in fiscal year '94)

1	2	3	4	5	6
13	11	16	10	26	14

NUMBER OF LUST CLEANUPS COMPLETED

During the period of May 1, 1995 through May 31, 1995,
the following number of LUST cleanups were completed:

15(931)

The number in parentheses represents the total number of LUST
cleanups through May 31, 1995.

NUMBER OF LOW RISK SITES APPROVED

During the period of May 1, 1995 through May 31, 1995, the
following number of low risk sites were approved:

23(746)

The number in parentheses represents the total number of low risk
LUST sites through May 31, 1995.

**REPORT OF RELEASES FROM
UNDERGROUND STORAGE TANKS**

During the period of May 1, 1995 through May 31, 1995,
the following number of releases from underground storage tanks
were identified.

6(32)

The number in parentheses represents the number of releases during
the same period in Fiscal Year 1994.

Environmental Protection Commission Minutes

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Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Marty Feinberg d/b/a Feinberg Scrap Iron; Betty M. Feinberg; F & F Metals, Inc., Fort Madison (6)	Hazardous Condition Wastewater	Remedial Action; Operation Without Permit	Order/Penalty \$10,000	4/27/95
Wieland & Sons Lumber Co., Winthrop (1)	Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penalty \$3,000	4/27/95
Fremont County Sanitary Landfill, Fremont Co. (4)	Solid Waste	Operation Without Permit; Other Violations	Order/Penalty \$5,000	4/27/95
Keck, Inc., Des Moines (5)	Underground Tank	Illegal Deposit	Order/Penalty \$1,500	5/01/95
Dave Schmitt Construction Co., Cedar Rapids (1)	Air Quality	Asbestos	Order/Penalty \$5,000	5/03/95
ESCORP Associates, Ltd.; Arnold C. Olson, Cedar Rapids (1)	Air Quality	Asbestos	Order/Penalty \$10,000	5/03/95
Marvin Rosenbloom, Mahaska Co. (5)	Solid Waste	Illegal Disposal	Order/Penalty \$3,000	5/03/95
West Side Unlimited Corp. d/b/a West Side Salvage, Inc., Benton Co. (1)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$5,000	5/03/95
Dan Schwitters d/b/a Schwitters Enterprises, Inc., Cedar Rapids (1)	Underground Tank	Closure Investigation	Order/Penalty \$600	5/03/95
Doolittle Oil Company, Inc., Webster City (2)	Underground Tank	Illegal Deposit	Order/Penalty \$6,500	5/03/95
Robert Anderson and Yvonne Anderson, Bevington (5)	Underground Tank	Access Denial	Order	5/03/95
Pilot Oil Corporation, Scott Co. (6)	Wastewater Underground Tank	Discharge Limits; Monitoring/Reporting; Remedial Action	Order/Penalty \$5,000	5/12/95
New Hampton, City of (1)	Wastewater	Discharge Limits	Order/Penalty \$10,000	5/12/95
Humboldt County Sanitary Landfill Commission (2)	Solid Waste	Leachate Control; Cover Violations; Other	Order	5/12/95
Leonard C. Page, Mahaska Co. (5)	Solid Waste	Illegal Disposal	Order/Penalty \$3,000	5/12/95
Iowa Oil Company, Spirit Lake (3)	Underground Tank	Remedial Action	Order	5/12/95
David A. Dohlman d/b/a Dave's Conoco, Dumont (2)	Underground Tank	Site Assessment	Order/Penalty \$2,300	5/12/95
Allison Fire Dept.; City of Allison (2)	Air Quality	Open Burning; Asbestos	Order/Penalty \$5,000	5/12/95
Allison-Bristow Community School District, Allison (2)	Air Quality	Open Burning; Asbestos	Order/penalty \$5,000	5/12/95
Dan Peterson d/b/a Peterson Backhoe, Allison (2)	Air Quality	Open Burning; Asbestos	Order/Penalty \$3,000	5/12/95
Don Krieger, Terrill (3)	Underground Tank	Closure Investigation	Order/Penalty \$600	5/22/95
Nishna Valley Community School, Hastings 94)	Drinking Water	MCL-Bacteria; Public Notice	Order/Penalty \$1,000	5/31/95
White Oaks Homeowners Assn., Ankeny (5)	Drinking Water	MCL-Other Inorganics	Order/Penalty \$1,000	5/31/95
Boyer Valley Company, Arion (4)	Wastewater	Monitoring/Reporting; Operational Violations	Order/Penalty \$8,000	5/31/95

Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Marvin Kruse d/b/a K & C Feeds (Luana)	UT	300	12-01-92
Don Grell d/b/a Dodger Enterprise (Ft. Dodge)	AQ	10,000	2-16-93
Duane Pospisil d/b/a Duane's Service (Lisbon)	UT	1,000	5-04-93
Franklin Raymond (Pacific Junction)	UT	300	7-07-93
Eddie Hemmer (Jones County)	AQ/SW	600	8-01-93
*Delano's Lounge (Washington)	WS	425	9-01-93
Melvin Foubert d/b/a Mel's Repair Service (What Cheer)	UT	400	12-13-93
Stan Simmer d/b/a Tire City (Des Moines)	UT	600	12-21-93
*63-80 Cafe (Moore Oil Co.) (Malcom)	WS	200	1-20-93
William Hatch d/b/a R & R Convenience Store (Central City)	UT	2,480	2-28-93
K-Service, Inc.; Kirkendall Enterprises, et.al. (Sloan)	UT	1,440	2-28-94
Kurt & Mary Marzofka; John & Shirley Riordan (Sabula)	UT	500	3-31-94
Ida Grove Farm Supply Co. d/b/a Double Circle Farm Supply Co. (Galva)	UT	2,300	5-15-94
Leland Koster and Jim Koster (Alexander)	UT	350	6-11-94
*Home Asbestos & Lead Abatement Services (Johnston)	AQ	350	7-02-94
King Transfer, Ltd.; George B. King (Onawa)	UT	2,400	7-20-94
Central Water Works (Fort Dodge)	WS	275	8-21-94
Blanchard, City of	WS	275	8-22-94
Crawford Flats, Ltd. (Denison)	WS	275	8-25-94
Birmingham, City of	WS	550	8-28-94
Holland, City of	WS	550	8-28-94
Denmark Municipal Water Supply (Denmark)	WS	550	8-28-94
Hide-A-Way Manor (Cedar Rapids)	WS	275	8-28-94
*Terry Beaird d/b/a Curry Environ. Services (Marion)	AQ	1,000	9-01-94
Coralville Lake Terrace Assn. (North Liberty)	WS	550	9-01-94
Midway Water & Lighting (Marion)	WS	550	9-08-94
The Marley Pump Co. (Davenport)	WS	125	9-13-94
RHCL School (Luxemburg)	WS	125	9-14-94
Willey, City of	WS	110	9-14-94
Bill Dettman d/b/a Dettman Oil Co. (Fonda)	UT	2,800	9-15-94
Verde Water Company-Table Mound #1-Well #1 (Dubuque)	WS	900	9-19-94
Trout Valley 2nd Addition (Bettendorf)	WS	125	9-19-94
Orrie's Supper Club, Inc. (Hudson)	WS	275	9-19-94
Kilpeck Mobile Home Park (Muscatine)	WS	275	9-23-94
Immanuel Lutheran Church and School (Readlyn)	WS	275	9-23-94
Sunshine Homes, Inc. (Atlantic)	WS	275	9-25-94
Scenic View Estates (Decorah)	WS	275	9-25-94
Yarmouth Elementary School (Mediapolis)	WS	375	10-12-94
Batavia, City of	WS	650	10-17-94
Geils Oil Company; Lawrence P. Geils (Donnison)	UT	3,200	10-18-94
Hidden Valley Mobile Home Court (Washington Co.)	WS	200	10-22-94
Paul L. Dunkel (Delaware Co.)	SW	1,500	11-09-94
*Dale Hall d/b/a Hall Oil Co. (Des Moines)	UT	250	11-15-94
DBM, Inc. (Cedar Falls)	AQ	10,000	11-30-94
Donald K. Schmidt (Cedar Rapids)	UT	3,000	12-27-94
Collier Oil Co.; Clark Concrete Co. (Onawa)	UT	3,300	1-22-95
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
North Coralville Lake Manor (Solon)	WS	450	3-26-95
Curry Environmental Services (Dubuque)	AQ	6,000	3-27-95
Galva, City of	WS	1,000	4-06-95
Ron Mumby (Iowa Co.)	SW	2,000	4-19-95
*Phil McMains (Appanoose Co.)	SW	600	4-24-95
Jody Beaver (Cedar Co.)	SW/AQ	2,000	5-27-95
R.V. Hopkins, Inc. (Davenport)	AQ	10,000	5-29-95
Valley Heights 1st Annex (Blue Grass)	WS	550	6-05-95
Timberlake Estates (Swisher)	WS	375	6-08-95
*Waste Management & Design, Inc. (Webster City)	WW	3,700	6-10-95
Orrie's Supper Club, Inc. (Hudson)	WS	3,000	6-11-95
Brittany Estates Addition (Manchester)	WS	500	6-12-95
Rock Falls Lounge (Rock Falls)	WS	1,500	6-12-95
Dallas County Care Facility (Adel)	WS	550	6-13-95
Crestwood Acres; Mid County Water, Inc. (Toddville)	WS	375	6-13-95
Lake Vista Improvement Assn., Inc. (Solon)	WS	200	6-14-95
Kinseth Hotel Corp.; Best Western Westfield (Coralville)	WS	500	7-01-95
Cumberland Ridge First Addition (North Liberty)	WS	550	7-02-95
Mark Twain Meadows Assoc. (Muscatine)	WS	900	7-04-95
Wieland & Sons Lumber Co. (Winthrop)	AQ/SW	3,000	7-04-95
Fremont County Sanitary Landfill (Fremont Co.)	SW	5,000	7-05-95
Earth Media Technologies, Inc. (Polk County)	SW	3,000	7-05-95
Keck, Inc. (Des Moines)	UT	1,500	7-06-95
Dave Schmitt Construction Co., Inc. (Cedar Rapids)	AQ	5,000	7-08-95
Jay Browns d/b/a Browns Service (Murray)	UT	1,272	7-10-95
ESCORP Associates Ltd.; Arnold Olson (Cedar Rapids)	AQ	10,000	7-16-95
Pilot Oil Corporation (Walcott)	WW/UT	5,000	7-16-95
Allison-Bristow Community School District (Allison)	AQ	5,000	7-18-95
Dan Peterson d/b/a Peterson Backhoe (Dumont)	AQ	3,000	7-18-95
David A. Dohman d/b/a Dave's Conoco (Dumont)	UT	2,300	7-18-95
Allison Fire Dept.; Allison, City of	AQ	5,000	7-18-95
Leonard C. Page (Adams Co.)	SW	3,000	7-26-95
Edward Bodensteiner (Des Moines)	UT	3,200	-----
Plantation Village Mobile Home Park (Burlington)	WW	1,000	-----
William R. Hennessey & Son, Inc. (Cedar Rapids)	UT	2,670	-----
West Side Unlimited Corp.; West Side Salvage (Benton Co.)	AQ/SW	5,000	-----
Doolittle Oil Company, Inc. (Webster City)	UT	6,500	-----
New Hampton, City of	WW	10,000	-----
Donald Krieger (Terrill)	UT	600	-----
Boyer Valley Company (Arion)	WW	8,000	-----
Nishna Valley Community School (Hastings)	WS	1,000	-----
White Oaks Homeowners Assn. (Ankeny)	WS	1,000	-----

TOTAL 209,322

Environmental Protection Commission Minutes

June 1995

The following cases have been referred to the Attorney General:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
OK Lounge (Marion)	WS	448	11-01-87
Richard Davis (Albia)	SW	1,000	2-28-88
Eagle Wrecking Co. (Pottawattamie Co.)	SW	300	5-07-89
*Twelve Mile House (Bernard)	WS	119	5-20-89
*Lawrence Payne (Ottumwa)	SW	425	6-19-89
William L. Bown (Marshalltown)	SW	1,000	10-01-89
Wellendorf Trust (Algona)	AQ/SW	460	2-12-90
Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Gerald G. Pregler (Dubuque Co.)	SW	1,000	9-02-90
Donald R. Null (Clinton Co.)	AQ/SW	1,000	9-06-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Fred Varner (Worth Co.)	SW	950	4-11-91
Honey Creek Camping Resort (Crescent)	WS	245	6-13-91
F.R. Thomas/F.R. Thomas, Jr. d/b/a Clair View Acres Store (Delhi)	WS	1,000	8-04-91
*M & W Mobile Home Park (Muscatine)	WW	200	8-21-91
Vern Starling (Boone Co.)	SW	440	9-15-91
Lloyd Dunton (Iowa Co.)	SW	300	11-07-91
Vernus Wunschel d/b/a Wunschel Oil (Ida Grove)	UT	300	1-12-92
Kenneth Bode (Mills Co.)	SW	300	4-27-92
V.R. Dillingham d/b/a Barb's Service (Everly)	UT	600	5-21-92
Tandem Oak Park Associates (Ft. Dodge)	WS	405	6-03-92
Dick White (Washington County)	AQ	250	8-15-92
Rankin Roofing & Siding Co. (Knoxville)	AQ	500	11-09-92
Tony Hoyt d/b/a Lake Wilderness (Lee Co.)	SW	1,000	1-23-93
Bernard Gavin Veterinary Clinic (Wellsburg)	UT	600	5-02-92
Tim Sharp (Newton)	UT	1,000	1-25-93
David Young d/b/a Sierp Oil Co. (Casey)	UT	300	2-10-93
Carson Grain & Implement (Coggon)	UT	1,000	8-03-92
Robert Bodwell (Winterset)	UT	300	7-07-93
Louis Saak d/b/a Saak Oil Co. (Baxter)	UT	1,560	12-25-93
Smith Oil Co.; Franklin Smith (Mt. Ayr)	UT	600	3-31-94
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Economy Solar Corp. (Monticello)	AQ	100	6-01-94
Rayburn Court for Mobile Homes (Mason City)	WS	375	9-29-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)	UT	840	11-01-94
Wunschel Oil, et.al. (Battle Creek)	UT	6,400	11-08-94
TOTAL		31,656	

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Des Moines, City of	HC	1,000
Van Dusen Airport Services (Des Moines)	HC	1,000
Joe Eggers, Jr., et.al. (St. Ansgar)	SW	1,000
McDowell Dam #1 (Lee Co.)	FP	500
Hickory Hollow Water Co. (Ankeny)	WS	400
Wayne Transportation, Inc. (Greene)	WW	1,000
Mulgrew Oil Company (Dubuque)	HC	500
John Staub d/b/a Mr. Convenient (Burlington)	UT	600
Charles Kerr (Sloan)	UT	600
Stringtown Country Cafe (Lenox)	WS	1,000
Lincoln Farm and Home Service (Henderson)	WW	1,000
Chickasaw Co. SLF, et.al. (Chickasaw Co.)	SW	1,000
Plymouth Cooperative Oil Co. (Hinton)	WW	1,000
LaVerne Rehder (Union)	UT	300
Randy Bonin/Vickie Brannick (Hardin Co.)	SW	500
Dean Hoeness d/b/a Hoeness & Sons (Winterset)	UT	300
Decatur, City of	UT	600
King's Terrace Mobile Home Court (Ames)	WW	500
ITWC, Inc. (Malcom)	AQ	1,000
Lloyd Decker (Floyd Co.)	SW	1,000
Waucoma, City of	WS	200
Tracy Below (Hardin Co.)	WW	1,000
Grand Laboratories, Inc. (Larchwood)	WW	1,000
Frank Hulshizer (Benton Co.)	SW	500
Chicago/Northwestern Transp. Co. (Council Bluffs)	HC	1,000
Pirelli Armstrong Tire Corp. (Polk Co.)	SW	1,000
TRS Industries, Inc.; City of Des Moines (Des Moines)	SW	3,000
Land Renu, Inc. (Rockwell City)	SW	1,000
LeMars, City of	WW	5,000
Crane Co. d/b/a Crane Valves (Washington Co.)	SW	500
Donald Udell (Plymouth Co.)	SW	1,000
Daisy H. Gridley Conservatorship, et.al. (Union Co.)	SW	1,000
Mel-Ray Mobile Home Park (Ankeny)	WW	500
Thomas L. Burt, et. al. (Butler Co.)	SW	1,000
Oakwood Park Water, Inc. (Ankeny)	WS	1,000
U.S. Dept. of Defense (Sioux City)	UT	5,720
Blue Spruce Feedlots, Inc. (Pottawattamie Co.)	WW	5,000
Valley Restaurant/Sierp Oil/Mary & Carl Sierp (Villisca)	UT	5,000
Valley Restaurant/Sierp Oil/Robert Radford (Villisca)	UT	2,300
Orlo Stewart, et.al. (Webster Co.)	SW	1,000
J.P. Scherrman, Inc. (Farley)	UT	1,160
Walnut Grove Water Company (Davenport)	WS	2,000
Lester D. Davis & Evelyn McKelvogue (Warren Co.)	AQ/SW	5,000
Waverly Gravel & Ready-Mix aka Shell Rock Sand & Gravel (Shell Rock)	AQ	3,000

*Payment Schedule

E95Jun-31

Anderson Excavating & Wrecking Co. (Waterloo)	AQ	1,000
Farmers Hybrid Companies, Inc. (Keokuk Co.)	WW	3,500
L.F. & Betty Everett; Vern Barker & Donald Knotts, d/b/a Barker & Knotts Construction; and Gene Philips (Ottumwa)	AQ	10,000
Eli Shada (Anamosa)	UT	1,328
James and Robert Brock d/b/a B & B Oil (Ringsted)	UT	1,685
M and D Tire Processing, Inc. (Decatur Co.)	SW	10,000
Merrill, City of	AQ	5,000
Harold Lee (Keokuk Co.)	WW	3,300
Riverside Plating Company (Shell Rock)	WW	1,500
Economy Solar Corp. (Monticello)	AQ	5,000
Toys "R" Us, Inc. (Davenport)	UT	5,560
Coastal Mart, Inc.-Store #1081 (Davenport)	UT	5,320
John Deere Company (Waterloo)	AQ	1,000
Parkwest, Ltd.; Wilbur Numelin; Ricky Lee Anderson (Clear Lake)	UT	2,280
Country Stores of Carroll, Ltd.; Roger Kanne (Carroll)	UT	10,000
Elite, Ltd.; Roger Kanne; James Pietig (Coon Rapids)	UT	3,500
Elite, Ltd.; Roger Kanne; James Pietig (Logan)	UT	3,288
HiWay Texaco, Ltd.; Roger Kanne; Rick Kanne (Bagley)	UT	5,000
Arlo Becker d/b/a Becker's Auto Salvage (Benton Co.)	AQ	3,000
Galva Union Elevator Co. (Galva)	UT	3,100
Farmers Hybrid Companies, Inc. (Hamilton Co.)	WW	4,000
Sara Lee Corporation (New Hampton)	WW	10,000
New Hampton, City of	WW	10,000
Joseph L. Ranker; Daryl Hollingsworth (Indianola)	UT	4,000
Larry and Kelly Miller (Ogden)	UT	2,000
K-Mart Corporation/Store #7261 (Des Moines)	UT	6,000
R.D.J. Farms; Donald Vogt (Van Horne)	UT	1,300
Home Oil Stations; Otto-Matic; Larence Otto (Burlington)	UT	3,000
Winfield S. McKinney; Gary L. McKinney (Union Co.)	WW	1,000
Tom Wiseman (Sheffield)	UT	3,500
Woodlyn Hills (Algona)	WS	275
Lakewood Utilities (Ft. Dodge)	WS	550
Village Oaks Homeowners Assn. (Blue Grass)	WS	550
South High Point Well Assn. #2 (Iowa City)	WS	110
Kessler's Homeowners Assn. (Iowa City)	WS	275
Iowa City Regency Mobile Home Park (Iowa City)	WS	1,000
Woodburn, City of	WS	550
Edinburgh Manor (Anamosa)	WS	200
Karl and Thelma Boylan d/b/a Boylan's Service (Northboro)	UT	1,800
Thomas M. Scheetz d/b/a The Depot Food N' Fuel (Oxford)	UT	2,300
William Jensen d/b/a B & B Tire & Oil Co. (Avoca)	UT	2,300
Riverview Estates (Iowa City)	WS	275
Crabtree Lake Resort (Rhodes)	WW	5,400
Elmer R. Faust d/b/a Faust Garage & Grocery (Delaware)	UT	2,300
American Coals Corporation-Site #5 (Bussey)	SW/AQ	10,000
H.E.W., Inc. a/k/a Hazardous Environmental Wastes, Inc., a/k/a Algona Roofing & Insulation, Inc. (Algona)	AQ	5,000
Bankston, City of	WS	550
Wunschel Oil, et.al. (Ida Grove)	UT	10,000
Burke Marketing Corporation (Nevada)	WW	5,000
Chicago & North Western Transportation Co. (Clay Co.)	WW/SW	10,000
Jim Foust (Indianola)	SW	2,175
Titan Wheel International, Inc. (Walcott)	WW	10,000
Ronald Sizemore and Mark Murphy (Eldora)	UT	3,200
First United Methodist Church (Ft. Madison)	AQ	10,000
Mike Murphy d/b/a Hawley Heating & Air (Keokuk)	AQ	10,000
Boomsma's Egg, Inc. (Alden/Galt)	AQ	10,000
George Dolan (Northwood)	UT	3,300
Chuck Widner, Jr. d/b/a E.D.O., Inc. (Glidden)	AQ	2,000
Woodbury County Highway Department (Woodbury Co.)	UT	4,000
Keith Owens and Howard Maurer (Wilton)	UT	3,100
Twin View Heights (Solon)	WS	500
Tom Babinat d/b/a Tom's Car Care (Grundy Center)	UT	3,600
Welch Oil, Inc. (Williams)	UT	10,000
Richard Beckett (Villisca)	UT	1,300
Gilmore City-Bradgate Comm. School Dist. (Gilmore City)	AQ	6,000
Henry and Randy Krohn d/b/a Krohn Const. (Waukee)	AQ/SW	4,000
James and Roxann Neneman; J & R Mini Mart (Council Bluffs)	UT	3,900
Simonsen Industries, Inc. (Cherokee Co.)	WW	5,000
Hubert Vote d/b/a Vote House Moving (Gilmore City)	AQ	6,000
Allan Brandhoij d/b/a Brandhoij Const. (Gilmore City)	AQ	6,000
Michael J. Reding (Kossuth Co.)	WW	4,500
Dennis Sharkey d/b/a Sharkey Bldg. Wrecking (Dubuque)	AQ	6,000
Richard Waugh d/b/a Dick's Apco Car Wash (Hampton)	UT	885
Sale-R-Villa Const., Inc. (Perry)	AQ	10,000
Woden-Crystal Lake Comm. School District (Crystal Lake)	AQ	10,000
Lehigh Portland Cement Co. (Mason City)	AQ	10,000
Lloyd Dalsing (Dubuque)	AQ	5,000
Otis Schultz d/b/a Schultz Oil Co. (Sac City)	UT	2,200
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
Larry Royer (Guthrie Co.)	WW	1,000
Randy Ballard (Fayette Co.)	FP	2,000
Perry, City of	WW	10,000
Bacon Addition (Monticello)	WS	375
Riverview Manor (Scott Co.)	WS	375
Louisa Courts Mobile Home Park & Sales (Muscatine)	WS	900
Dave Schmitt Construction Co., Inc. (Cedar Rapids)	AQ	5,000
Sioux City, City of	AQ	10,000
Dan Schwitters; Schwitters Enterprises (Cedar Rapids)	UT	600
Ferris Sullivan d/b/a Sullivan's Sinclair (Preston)	UT	2,000
Leonard Bormann (Preston)	UT	2,000
Economy Solar Corp.; Jeffery C. Intlekofer (Cedar Rapids)	AQ	10,000
Marty Feinberg d/b/a Feinberg Scrap Iron; Betty Feinberg; F&F Metals (Lee Co.)	HC/WW	10,000
Marvin Rosenbloom (Mahaska Co.)	SW	3,000
TOTAL		438,786

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
*Irvin Leichty (Henry County) (PAID IN FULL)	WW	1,000
*Fine Oil Co.; John and Diane Fine (Appanoose Co.)	AQ/HC/WW	500
Blencoe, City of	WS	50
Enviro Safe Air, Inc. (Sioux City)	AQ	1,000
Windy Ridge Well Assn. (Lisbon)	WS	100
Lansing Valley Mobile Home Park (Lansing)	WS	375
Bork Transport, Inc. (Des Moines)	UT	800
McCarty Homeowners Assn. (LeClaire)	WS	275
Dubuque, City of (STIPULATED PENALTY)	WW	5,900
*Waste Management & Design, Inc. (Webster City)	WW	720
Jack Link Truck Line, Inc. (Dyersville)	UT	300
Keystone, City of	WS	2,000
*Fine Oil Co.; John and Diane Fine (Appanoose Co.) (PAID)	AQ/HC/WW	500
David Schultz (Clayton Co.)	WW	300
Pella Construction Co., Ltd. (Pella)	WW	6,000
TOTAL		19,820

**DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
June 1, 1995**

Name, Location and Region Number		Program	Alleged Violation	DNR Action	New or Updated Status	Date
AMPC Lytton (3)		Wastewater	Operational Violations	Referred to Attorney General	Referred	8/10/94
Achenbach, Mark Rockford (2)	Updated	Underground Tank	Site Assessment	Order	Referred Petition Filed Trial Date	6/20/94 8/22/94 8/09/95
Advanced Technologies Corp. Cedar Falls (1)	Updated	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date	3/21/94 8/29/94 1/06/96
American Asbestos Training Center, Ltd. Monticello (3)	Updated	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date	3/21/94 8/29/94 8/14/95
American Asbestos Training Center, Ltd. Cedar Rapids (1)	Updated	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date	7/22/94 8/29/94 10/09/95
Ampel Corporation Des Moines (5)		Air Quality	Construction Without Permit Permit Conditions	Referred to Attorney General	Referred Petition Filed Motion for Partial Summary Judgment DNR Motion to Disqualify Attorney Hearing Ruling/Defense Attorney Disqualified Trial Date	12/20/93 2/21/94 9/02/94 10/18/94 11/18/94 12/06/94 11/13/95
Bodwell, Robert Winterset (5)		Underground Tank	Site Assessment	Order/Penalty	Referred Petition Filed Trial Date	2/21/94 7/21/94 7/11/95
Des Moines, City of (5) v. IDNR	Updated	Solid Waste	DNR Defendant	Defense	Petition Filed Application for Stay DNR Answer Oral Arguments	1/18/94 1/18/94 2/08/94 5/24/95
Economy Solar Corp Ft. Madison (6)		Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date	3/21/94 8/29/94 8/14/95
Economy Solar Corp Waterloo (1)		Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date	3/21/94 8/29/94 7/16/96
Economy Solar Corp. Cedar Rapids (1)		Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date	7/22/94 8/29/94 10/09/95

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DEPARTMENT OF NATURAL RESOURCES
 ENVIRONMENTAL PROTECTION COMMISSION
 ATTORNEY GENERAL REFERRALS
 June 1, 1995

Name, Location and Region Number		Program	Alleged Violation	DNR Action	New or Updated Status	Date
Ervin, Don Webster County (2)	Updated	Solid Waste	Operation Without Permit	Order/Penalty	Referred Judgment for \$1,000 Execution & Order to Levy Application to Condemn Funds Partial Payment Received (\$331)	4/16/90 7/13/90 9/28/90 11/27/90 11/30/90
			Permit Violations	Referred to Attorney General	Referred Temporary Injunction Order of Contempt Order Granting Stay Contempt Reversed (Court of Appeals) Application for Further Review Supreme Ct. Reversed Ct of Appeals Order to Serve Sentence Application for Hearing Order Denying Reconsideration of Sentence Partial Consent Decree Consent Decree (\$1,000,000/Civil)	9/16/91 9/18/91 12/20/91 12/26/91 9/29/92 10/16/92 2/17/93 3/17/93 3/18/93 3/19/93 1/10/95 5/30/95
Giese, William Giese Construction Co. Ft. Dodge (2)		Flood Plain Wastewater	Unauth. Construction Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Trial Date	7/18/94 10/12/94 10/24/95
Harrison County Board of Supervisors (4)		Solid Waste	Operating Violations	Referred to Attorney General	Referred Petition Filed	2/21/94 7/11/94
Huysen, James; Trust Trucking Lovilia (5)		Underground Tank	Site Assessment	Referred to Attorney General	Referred	11/21/94
International Hydroform Pella (5)		Underground Tank	Remedial Action	Order	Referred Petition Filed Trial Date	5/17/93 1/18/94 4/04/95
Jack Link Truck Line, Inc. Dyersville (1)	Updated	Underground Tank	Closure Investigation	Order/Penalty	Referred Petition Filed Trial Date Consent Decree (\$2,000/Civil; \$300/ Admin. & Injunction)	5/17/93 1/07/94 3/22/95 5/23/95
Jarvis, Marjorie and Terry Strong Council Bluffs (4)		Underground Tank	Closure Investigation	Order	Referred Petition Filed	11/15/93 2/14/94
Martinez, Vincent d/b/a Martinez Sewer Service Davenport (6)		Hazardous Condition	Remedial Action	Order/Penalty	Referred Petition Filed Partial Default Judgment (Injunction)	2/17/92 12/21/92 10/11/94
McCarty Creek Homeowners LeClaire (6)	Updated	Drinking Water	Monitoring/Reporting- Lead & Copper	Order/Penalty	Referred Petition Filed	10/17/94 5/02/95
Moore, Ron d/b/a 63-180 Cafe Malcom (5)		Drinking Water	Mtrg/Rprtg Nitrate; Other	Order/Penalty	Referred Payment Schedule (\$1,000/Admin.) Motion for Judgment	11/16/92 4/02/93 6/30/94
Northwood Cooperative Elevator;		Hazardous Condition	DNR Defendant	Defense	Suit Filed DNR Answer Consolidation Order 215.1 Order	12/07/92 12/28/92 1/05/93 12/22/94
Worth Co. Co-op Oil					Suit Filed DNR Answer Consolidation Order 215.1 Order	12/07/93 12/28/92 3/10/93 12/22/94
Amoco					Suit Filed DNR Answer Consolidation Order 215.1 Order	12/15/92 1/04/93 3/10/93 12/22/94
v. IDNR						
Rayburn Court for Mobile Homes Mason City (2)	Updated	Drinking Water	Monitoring/Reporting; Lead & Copper	Order/Penalty	Referred Petition Filed	11/21/94 5/02/95
Reed, Verna and Don; Andrea Silsby Union Co. (4)		Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed Default Judgment	6/20/94 8/10/94 12/12/94

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DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION ATTORNEY GENERAL REFERRALS June 1, 1995

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Relative, Inc.; Doug Smuck Des Moines (5)	Updated	Underground Tank	Insurance Violation	Order/Penalty	Referred Petition Filed 10/17/94 5/12/95
Saak, Louis d/b/a Saak Oil Co. Baxter (5)	Updated	Underground Tank	Site Assessment	Order/Penalty	Referred Petition Filed Trial Date Consent Decree (\$1,560 + Interest/ Admin.; \$5,000/Civil & Injunction) 3/21/94 9/08/94 4/25/95 5/22/95
Smith, Franklin; Smith Oil Company Mt. Ayr (5)		Underground Tank	Closure Investigation	Order/Penalty	Referred Petition Filed Trial Date 4/18/94 7/25/94 5/16/95
Soldat, Mark S. Kossuth Co (2) vs. IDNR		Wastewater	DNR Defendant	Defense	Suit Filed Petitioner's Motion for Partial Summary Judgment Answer Hearing Date Ruling Order Implementing Ruling Motion Raising Jurisdiction Question Petition for Certiorari Writ Denied 9/16/94 10/06/94 10/20/94 10/31/94 11/03/94 12/23/94 1/20/95 1/23/95 2/17/95
Troutman, Jerry L. & Richard Van Buren Co. (6)		Solid Waste	Illegal Disposal	Order	Referred Petition Filed Default Entered 10/18/93 2/15/94 9/29/94
Waterloo, City of (1)	Updated	Wastewater	Discharge Limits	Referred to Attorney General	Referred Petition Filed Motion for Partial Summary Judgment Consent Decree (\$50,000/Civil & Injunction) 11/15/93 12/30/93 1/27/95 5/26/95
Waterloo Community School District Waterloo (1)		Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed 3/21/94 8/29/94
Wunschel Oil Co.; Vernus, Jaquellyn & Mark Wunschel Ida Grove (3)		Tank	Underground Site Assessment	Order/Penalty	Referred 1/17/95
Young, David Sierp Oil Company Casey (5)	Updated	Underground Tank	Closure Investigation	Order/Penalty	Referred Petition Filed Consent Decree (\$1,000/Civil; \$300/ Admin. & Injunction) 5/17/93 12/14/93 3/03/95

DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION CONTESTED CASES June 1, 1995

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1-23-86	Oelwein Soil Service	Administrative Order	WW	Murphy	Hearing continued; additional testing being done.
2-05-88	Warren County Brenton Bank	Administrative Order	UT	Wornson	Awaiting revised SCR.
10-20-88	Worth Co. Co-Op Oil Northwood Cooperative Elevator Sunray Refining and Marketing Co.	Administrative Order	HC	Murphy	Ruling on dismissal/intervention 11/16/92. Petition for Judicial Review. Judicial review hearing continued. Stipulation of dismissal being prepared.
6-08-89	Shaver Road Investments	Site Registry	HW	Kennedy	Draft consent order under review.
6-08-89	Hawkeye Rubber Mfg. Co.	Site Registry	HW	Kennedy	Draft consent order under review.
6-08-89	Lehigh Portland Cement Co.	Site Registry	HW	Murphy	Hearing continued. Discovery initiated.

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DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES
June 1, 1995

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
6-22-89	Chicago & Northwestern Transportation Co. Hawkeye Land Co. Blue Chip Enterprises	Administrative Order	HC	Murphy	District court affirms Dept. - 4/23/93. Iowa Supreme Court decision 2/29/95.
10-24-89	Farmers Cooperative Elevator Association of Sheldon	Site Registry	HC	Kennedy	Settlement near.
11-03-89	Bridgestone/Firestone, Inc.	Site Registry	HC	Murphy	Hearing continued pending negotiations.
5-08-90	Texaco Inc./Chemplex Co. Site	Site Registry	HW	-----	Settlement proposed.
5-14-90	Van Dusen Airport Services	Administrative Order	HC	-----	Compliance initiated.
5-14-90	Alter Trading Corp. (Council Bluffs)	Administrative Order	SW	Kennedy	Negotiating before filing.
5-15-90	Des Moines, City of	Administrative Order	HC	-----	Hearing continued. Settlement proposed.
6-20-90	Des Moines, City of	NPDES Permit Cond.	WW	Hansen	EPD met with City to resolve appeal issues. Follow-up meeting to be held.
7-02-90	Keokuk Savings Bank and Trust Keokuk Coal Gas Site	Site Registry	HW	-----	Hearing continued.
7-30-90	Key City Coal Gas Site; & Howard Pixler	Site Registry	HW	-----	Decision appealed (Pixler).
8-01-90	J.I. Case Company	Site Registry	HW	Preziosi	Hearing continued.
9-12-90	Michael & Joyce Haws; George H. Gronau	Administrative Order	UT	Wornson	New party has assumed liability. Will dismiss case upon completion of SCR.
10-15-90	Westside General Store Corp.	Administrative Order	UT	Wornson	Negotiating settlement.
12-03-90	United States Gypsum Co. Smitty's Oil	Site Registry	HC	Preziosi	Negotiating before filing.
12-27-90	McAtee Tire Service, Inc.	Administrative Order	SW	Kennedy	Hearing continued.
1-07-91	Joe E. Eggers, Jr.; Joe and Mary Eggers	Administrative Order	SW	Kennedy	Hearing continued to further order.
1-09-91	Iowa Southern Utilities	Administrative Order	HC	Preziosi	Hearing continued indefinitely. Working towards settlement.
1-28-91	McDowell Dam #1	Administrative Order	FP	Clark	Negotiating before filing.
5-20-91	Great Rivers Coop--Lockridge	Site Registry	HC	Murphy	Settlement proposed.
7-24-91	Alter Trading Corp. (Davenport)	Administrative Order	SW	Kennedy	Negotiating before filing.
9-25-91	Archer Daniels Midland	Administrative Order	SW	Kennedy	Negotiating before filing.
1-17-92	Hickory Hollow Water Co.	Administrative Order	WS	Hansen	Settlement offer to WS. Counter offer 7/13/93. Dept. response on 8/3/93. Facility response 8/11/93. 12/93 Dept. letter to attorney. Construction permit issued for fluoride removal. Facility to be installed by 10/30/94.
1-30-92	Center Oil Co., Inc.	Administrative Order	HC	Murphy	Negotiating before filing.
4-09-92	Wayne Transports, Inc.	Administrative Order	WW	Murphy	Negotiating before filing.
4-15-92	Mulgrew Oil Co.	Administrative Order	HC	Wornson	Settlement letter sent 8/31/94. SCR initiated.
4-24-92	Charles A. Kerr	Administrative Order	UT	Wornson	Financial inability claimed. Warning letter sent 1/25/95.

Environmental Protection Commission Minutes

June 1995

 DEPARTMENT OF NATURAL RESOURCES
 ENVIRONMENTAL PROTECTION COMMISSION
 CONTESTED CASES
 June 1, 1995

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
5-05-92	Plymouth Cooperative Oil Co.	Administrative Order	WW	Murphy	Negotiating before filing.
5-12-92	Paris & Sons, Inc.	Site Registry	HC	Murphy	Negotiating before filing.
5-15-92	Heartland Lysine, Inc.	Tax Certification	AQ	Preziosi	Negotiating before filing.
5-27-92	Beckett Chevrolet-Olds	Administrative Order	UT	Wornson	Financial inability claimed. Claimant completing financial documents.
6-23-92	Chickasaw County Board of Supervisors, Chickasaw Co. SLF	Administrative Order	SW	Kennedy	Negotiating before filing.
8-06-92	Randy Bonin and Vickie Brannick	Administrative Order	SW	Kennedy	Negotiating before filing.
8-24-92	Dean Hoeness d/b/a Hoeness & Sons	Administrative Order	UT	Wornson	Financial inability claimed. Request documents.
9-21-92	ITWC	Administrative Order	AQ	Preziosi	Negotiating before filing.
9-22-92	King's Terrace MHP	Administrative Order	WW	Hansen	8/94-Letter to facility regarding resolution of appeal.
10-06-92	Lloyd Decker	Administrative Order	SW	Kennedy	Hearing set for 4/11/95.
11-13-92	Tracy Below	Administrative Order	WW	Clark	Hearing continued.
11-16-92	Grand Laboratories Inc.	Administrative Order	WW	Hansen	Unacceptable revised work plan submitted. Request acceptable plan by 4/29/94. Letter from facility's attorney 4/94. 5/94 letter to F.O. 3 from company regarding submittal of site assessment. 10/94 Letter to facility attorney regarding site assessment. 12/94 Letter from attorney - new work plan submitted to F.O. 3. To be sent to DIA. Hearing set for 7/20/95.
11-16-92	Frank Hulshizer	Administrative Order	SW	Kennedy	Negotiating before filing.
12-14-92	Quantum	Permit Conditions	WW	Hansen	3/30/93 Dept. settlement offer made. 5/03/93 - response from company. Company collecting data. Company response submitted 12/93. EPD to review information regarding permit calculations.
1-22-93	Pirelli Armstrong Tire Co.	Administrative Order	SW	Kennedy	Negotiating before filing.
2-19-93	TRS Industries, Inc.; City of Des Moines	Administrative Order	SW	Kennedy	Decision received 9/13/93. Appealed to EPC. Affirmed 12/20/93. Petition for judicial review.
3/09-93	James, William d/b/a Bill James Agencies	Administrative Order	SW	Kennedy	Negotiating before filing.
3/11/93	Land Renu, Inc.	Administrative Order	SW	Wornson	Compliance complete. Negotiating penalty.
4/05/93	Mapleton, City of	WW Operator Certification	WW	Hansen	Under review by EPD - letter drafted.
4/12/93	LeMars, City of	Administrative Order	WW	Hansen	Plan of action submitted. Reviewed by EPD. Construction permit issued. 2/94-Schedule submitted by City for remaining construction.
4/19/93	Council Bluffs, City of	Permit Conditions	WW	Hansen	Under review by EPD.
4/21/93	Donald Udell	Administrative Order	SW	Kennedy	Negotiating before filing.
4/26/93	Crane Co.	Administrative Order	SW	Kennedy	Negotiating before filing.
6/21/93	Jacobs Energy Corp., Inc.	Permit Denial	AQ	Preziosi	Negotiating before filing.
6/29/93	Mel-Ray MHP and Sales	Administrative Order	WW	Clark	Negotiating before filing.
7/06/93 7/28/93	Dennis E. Good Berniece K. Nease	Administrative Order	UT	Wornson	Negotiating before filing.

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES
June 1, 1995

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
7/09/93	Oakwood Park Water, Inc.	Administrative Order	WS	Hansen	Proposal by facility's attorney 7/13/93. Response by Dept. 8/3/93. Response by facility 8/11/93. 12/93 Dept. letter to attorney. Construction permit issued 2/94. Facility to be installed by 11/30/94.
7/20/93	Valley Restaurant/Sierp Oil; Mary & Carl Wierp; and Robert Radford	Administrative Order	UT	Wornson	Settlement reached. Consent order.
7/20/93	U.S. Dept. of Defense	Administrative Order	UT	Wornson	Settlement expected.
7/23/93	Blue Spruce Feedlots, Inc.	Administrative Order	WW	Clark	Negotiating before filing.
8/06/93	Monsanto	Administrative Order	AQ	Preziosi	Settled.
8/24/93	Green Valley Chemical	Permit Conditions	WW	Hansen	Company to do stream survey 8/94. Survey completed. Meeting to discuss survey 9/11/94. Survey being reviewed by EPD.
9/09/93	Ames Transit Authority	Permit Conditions	AQ	Preziosi	Negotiating before filing.
10/15/93	Bedford, City of	Plant Classification	WW	Hansen	Under review by EPD.
11/15/93	J.P. Scherrman, Inc.	Administrative Order	UT	Wornson	Penalty letter sent.
11/16/93	Iowa Southern Utilities	Permit Conditions	AQ	Preziosi	Settlement close.
11/22/93	Walnut Grove Water Co.	Administrative Order	WS	Hansen	Settlement offer sent to company's attorney. Offer accepted. Consent order sent for signatures. 5/94 order issued to facility. 11/7/94 contract entered into for funding of project to upgrade. 12/94 - Additional funding authorized by City - project ready to go. Project completed. 3/95 - Settlement agreement to water supply's attorney. 4/95 - Follow-up letter to water supply's attorney. 5/95 F.O. 6 inspection of equipment installation.
12/13/93	Lester R. Davis and Evelyn McKelvogue	Administrative Order	AQ/SW	Kennedy	Settlement pending.
12/23/93	Waverly Gravel & Ready-Mix aka Shell Rock Sand and Gravel	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/03/94	Farmers Hybrid Co., Inc.	Administrative Order	WW	Clark	Negotiating before filing.
1/06/94	L.F. Everett and Betty Everett	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/07/94	Eli Shada	Administrative Order	UT	Wornson	Negotiating before filing.
1/13/94	James and Robert Brock d/b/a B & B Oil Co.	Administrative Order	UT	Wornson	Favorable ALJ decision. EPC affirmed.
1/18/94	M & D Tire Processing, Inc.	Administrative Order	SW	Kennedy	Settlement pending.
1/19/94	Cottage Reserve Corp.	Permit Conditions	WS	Clark	Settlement close.
1/20/94	Gene Phillips d/b/a Phillips Sanitation	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/27/94	Archer-Daniels-Midland	Permit Conditions	AQ	Preziosi	Negotiating before filing.
2/02/94	John Deere Waterloo Works	Tax Certification	WW	Hansen	Negotiating before filing.
2/09/94	Harold Lee	Administrative Order	WW	Clark	Negotiating before filing.

Environmental Protection Commission Minutes

June 1995

DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION CONTESTED CASES June 1, 1995

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
2/14/94	Economy Solar Corp 94-AQ-04	Administrative Order	AQ	Preziosi	Petition for judicial review of agency action filed.
2/15/94	Riverside Plating	Administrative Order	WM	Hansen	Settlement offer received from company regarding penalty.
2/21/94	Toys "R" Us	Administrative Order	UT	Wornson	Compliance initiated. Penalty appealed.
2/25/94	John Deere Waterloo Works	Administrative Order	AQ	Preziosi	Settlement close.
2/28/94	Coastal Mart Davenport	Administrative Order	UT	Wornson	Deficient SCR. Letter sent. Penalty on appeal.
3/01/94	Parkwest Ltd.; Wilbur Humelin; Ricky Lee Anderson	Administrative Order	UT	Wornson	Consent order/settlement.
3/01/94	Enviro Safe Air, Inc.	Administrative Order	AQ	Preziosi	Settled.
3/03/94	Burlington Northern Railroad	Tax Certification	WM	Hansen	Negotiating before filing.
3/08/94	Country Stores of Carroll, Ltd.; Elite Ltd.; Roger Kanne; James Pietig (Logan) (Coon Rapids)	Administrative Order	UT	Wornson	All SCRs received- negotiating penalty.
3/17/94	Arlo Becker d/b/a Becker's Auto Salvage	Administrative Order	AQ	Kennedy	Settlement pending.
4/19/94	Galva Union Elevator Co.	Administrative Order	UT	Wornson	Negotiating penalty.
5/09/94	Sara Lee Corporation	Administrative Order	WM	Murphy	Consent order to be issued. Settled.
5/09/94	Farmers Hybrid Co., Inc.	Administrative Order	WM	Clark	Negotiating before filing.
5/10/94	Dennis Malone; Joanne Malone	Administrative Order	UT	Wornson	Negotiating before filing.
5/19/94	New Hampton, City of	Administrative Order	WM	Murphy	Settlement near. Proposed consent order.
5/27/94	Joseph L. Ranker ; Darl Hollingsworth	Administrative Order	UT	Wornson	Demand letter before DIA referral.
6/03/94	Maquoketa, City of	Administrative Order	WM	Hansen	11/4/94 Construction permit issued to facility for new facilit. Construction to begin immediately and be completed by summer of 1995. Construction of SBR units to be completed soon.
6/08/94	Larry & Kelly Miller	Administrative Order	UT	Wornson	Compliance initiated.
6/14/94	K-Mart Corp./Store #7261	Administrative Order	UT	Wornson	Compliance initiated.
6/15/94	Winfield Scott McKinney; Gary L. McKinney d/b/a Harmony Creek Farms	Administrative Order	WM	Hansen	Hearing set for 6/22/95.
6/15/94	Lakeview Heights	Permit Conditions	WS	Hansen	Facility proposal under review by WS.
6/20/94	R.D.J. Farms and Donald Vogt	Administrative Order	UT	Wornson	Compliance initiated.
6/24/94	Griffith Oil Corp.	Administrative Order	UT	Wornson	Compliance initiated.
6/24/94	Larence Otto	Administrative Order	UT	Wornson	Compliance initiated.
7/01/94	Pella Construction Co.	Administrative Order	WM	Hansen	Proposed decision issued by ALJ on 5/8/95.
7/05/94	Iowa City Regency MHP	Administrative Order	WS	Clark	Negotiating before filing.
7/07/94	Rose Bar Tire Shredding	Administrative Order	SW	Kennedy	In bankruptcy.

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Environmental Protection Commission Minutes

 DEPARTMENT OF NATURAL RESOURCES
 ENVIRONMENTAL PROTECTION COMMISSION
 CONTESTED CASES
 June 1, 1995

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
7/12/94	Woodlyn Hills	Administrative Order	WS	Hansen	2/3/95-Letter to water supply regarding appeal. 2/20/95-Response - compliance initiated.
7/12/94	Tom Wiseman	Administrative Order	UT	Wornson	New case. Appeal untimely.
7/15/94	Village Oaks Homeowners	Administrative Order	WS	Hansen	Negotiating before filing.
7/18/94	Yiri Li	GW Professional Denial	UT	Wornson	Negotiating settlement.
7/19/94	Lakewood Utilities	Administrative Order	WS	Clark	Settlement close.
7/21/94	Hickory Hills Subdivision	Administrative Order	WS	Hansen	3/95 letter to facility regarding appeal.
7/25/94	South High Point Well #2	Administrative Order	WS	Clark	Settlement close.
7/25/94	Kessler's Homeowners Assn.	Administrative Order	WS	Clark	Negotiating before filing.
7/25/94	ACC Chemical Co. Getty Chemical Co.	Permit Conditions	WW	Hansen	Hearing continued to 7/7/95 at facility's request.
7/27/94	Twin View Heights 5282301	Administrative Order	WS	Hansen	11/14/94 Letter to facility regarding settlement. 12/94 Response from facility - working toward compliance.
8/10/94	Edinburgh Manor	Administrative Order	WS	Clark	Settlement close.
8/12/94	Windy Ridge Well Assn.	Administrative Order	WS	Clark	Penalty paid. Settled.
8/12/94	Karl and Thelma Boylan d/b/a Boylan's Service	Administrative Order	UT	Wornson	Negotiating settlement.
8/18/94	Thomas Scheetz d/b/a The Depot Food & Fuel	Administrative Order	UT	Wornson	Compliance initiated.
8/29/94	Atlantic, City of	Administrative Order	WW	Hansen	Under review by EPD.
8/29/94	B and B Tire and Oil	Administrative Order	UT	Wornson	Negotiating before filing.
8/30/94	HWH Corporation	Permit Denial	AQ	Preziosi	Negotiating before filing.
9/01/94	Elmer R. Faust d/b/a Faust Garage & Grocery	Administrative Order	UT	Wornson	Compliance initiated.
9/02/94	Crabtree Lake Resort	Administrative Order	WW	Hansen	Compliance with AO initiated.
9/02/94	Jay Anderberg; Diane McKellip	Administrative Order	UT	Wornson	Proposed decision appealed. To EPC 6/19/95.
9/06/94	HEW, inc.	Administrative Order	AQ	Preziosi	Negotiating before filing.
9/09/94	American Coals Corp.	Administrative Order	SW/AQ	Kennedy	Bankruptcy filed.
9/15/94	David L. Schutz	Administrative Order	WW	Clark	Settled.
9/15/94	Bankston	Administrative Order	WS	Hansen	1/95-Information from City. Compliance initiated.
9/16/94	Wunschel Oil Co.; Vernus Wunschel; Jacquelyn Wunschel; Mark Wunschel (Ida Grove)	Administrative Order	UT	Wornson	Consent order - compliance initiated.
9/19/94	Burke Marketing Corp.	Administrative Order	WW	Hansen	Hearing set for 6/27/95.
9/23/94	Chicago and Northwestern Transportation Co.	Administrative Order	SW/WW	Murphy	Negotiating before filing.
9/26/94	James D. Foust	Administrative Order	SW	Kennedy	Negotiating before filing.
10/07/94	Titan Wheel International	Administrative Order	WW	Hansen	Revised BMR report submitted/reviewed by WW Permits.

Environmental Protection Commission Minutes

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DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES
June 1, 1995

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
10/17/94	First United Methodist Church	Administrative Order	AQ	Preziosi	Negotiating before filing.
10/19/94	Ronald Sizemore; Mark Murphy	Administrative Order	UT	Wornson	Negotiating before filing.
10/25/94	Mike Murphy d/b/a Hawley Heating & Air	Administrative Order	AQ	Preziosi	Negotiating before filing.
10/26/94	Boomsma's Inc.	Administrative Order	AQ	Preziosi	Negotiating before filing.
10/27/94	George Dolan	Administrative Order	UT	Wornson	Negotiating before filing.
10/27/94	Chuck Winder d/b/a E.D.O., Inc.	Administrative Order	AQ	Preziosi	Negotiating before filing.
10/31/94	Woodbury Co. Highway Dept.	Administrative Order	UT	Wornson	Negotiating before filing.
10/31/94	Keith Owens; Howard Maurer	Administrative Order	UT	Wornson	Hearing set for 6/23/95.
11/02/94	Richard Waugh	Administrative Order	UT	Wornson	Compliance/negotiating penalty.
11/07/94	Jerry Smith; Norma S. Nelson	Permit Issuance	FP	Clark	Hearing set for 6/30/95.
11/10/94	Williams Pipeline Company	Permit Denial	AQ	Preziosi	Negotiating before filing.
11/14/94	Tom Babinat d/b/a Tom's Car Care	Administrative Order	UT	Wornson	Negotiating before filing.
11/23/94	Walnut Acres Campground; Fred and Fran Iben	Permit Issuance	FP	Clark	Negotiating before filing.
11/28/94	Richard Beckett	Administrative Order	UT	Wornson	Negotiating before filing.
11/30/94	Welch Oil, Inc.	Administrative Order	UT	Wornson	Briefs due.
12/02/94	Bork Transport, Inc.	Administrative Order	UT	Wornson	Penalty paid. Settled.
12/14/94	Campbell Clean-Up Service	Permit Denial	AQ	Preziosi	Negotiating before filing.
1/10/95	Steamboat Rock	Administrative Order	WS	Hansen	2/95-Settlement offer by City and response by Dept. 4/95 - Dept. letter to City regarding settlement.
1/11/95	Henry and Randy Krohn d/b/a Krohn Construction	Administrative Order	AQ/SW	Kennedy	Negotiating before filing.
1/13/95	Gilmore City-Bradgate Community School District	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/13/95	James and Roxann Neneman	Administrative Order	UT	Wornson	Inability to pay. Forms sent.
1/13/95	Simonsen Industries, Inc.	Administrative Order	WW	Hansen	2/28/95-Submittal by facility's engineer regarding land application of sludge.
1/20/95	Hubert Vote d/b/a Vote House Moving	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/20/95	Allan Brandhoij d/b/a Brandhoij Construction	Administrative Order	AQ	Preziosi	Negotiating before filing.
2/07/95	Michael J. Reding	Administrative Order	WW	Clark	Negotiating before filing.
2/14/95	Dennis Sharkey d/b/a Sharkey's Building Wrecking	Administrative Order	AQ	Preziosi	Negotiating before filing.
2/17/95	Irvin Leichty	Administrative Order	WW	Clark	Settled.
2/23/95	Woden-Crystal Lake Community School District	Administrative Order	AQ	Preziosi	Negotiating before filing.
2/23/95	Lehigh Portland Cement	Permit Conditions	WW	Hansen	Negotiating before filing.

E95Jun-41

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES
June 1, 1995

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
2/27/95	Sale-R-Villa Construction	Administrative Order	AQ	Preziosi	Negotiating before filing.
3/23/95	Lehigh Portland Cement	Administrative Order	AQ	Preziosi	Negotiating before filing.
3/23/95	American Coals Corp.	Administrative Order	SW	Kennedy	Negotiating before filing.
4/13/95	The Weitz Corp.; Barton Solvents, Inc.	Administrative Order	HC	Kennedy	Negotiating before filing.
4/19/95	Lloyd Dalsing	Administrative Order	AQ	Preziosi	Negotiating before filing.
4/19/95	Otis Schultz d/b/a Schultz Oil Co.	Administrative Order	UT	Wornson	Negotiating before filing.
4/21/95	Randy Ballard	Administrative Order	FP	Clark	Negotiating before filing.
4/26/95	Larry Royer	Administrative Order	WM	Clark	Negotiating before filing.
4/28/95	Perry, City of	Administrative Order	WM	Hansen	New case.
5/01/95	Central Iowa Power Cooperative	Permit Conditions	SW	Kennedy	New case.
5/03/95	Bacon Addition Homeowners Assn.	Administrative Order	WS	Clark	New case.
5/04/95	M & W Mobile Home Park	Administrative Order	WM	Murphy	New case.
5/05/95	C & O Recycling Enterprises; Douglas W. Owen	Permit Denial	AQ	Preziosi	New case.
5/08/95	Riverview Manor	Administrative Order	WS	Clark	New case.
5/09/95	Louisa Courts	Administrative Order	WS	Hansen	New case. Dept. letter.
5/10/95	Boone County Humane Society	Permit Denial	AQ	Preziosi	New case.
5/19/95	Sioux City, City of	Administrative Order	AQ	Preziosi	New case.
5/23/95	Dan L. Schwitters d/b/a Schwitters Enterprises, Inc.	Administrative Order	UT	Wornson	New case.
5/23/95	Leonard Bormann	Administrative Order	UT	Wornson	New case.
5/25/95	Ferris Sullivan d/b/a Sullivan's Sinclair	Administrative Order	UT	Wornson	New case.
5/25/95	Marty Feinberg d/b/a Feinberg Scrap Iron; Betty Feinberg; F & F Metals	Administrative Order	HC/WM	Kennedy	New case.
5/25/95	E.I. DuPont DeNemours (95-A-133)	Permit Conditions	AQ	Preziosi	New case.
5/30/95	Marvin Rozenboom	Administrative Order	SW	Kennedy	New case.
5/30/95	Economy Solar Corp.; Jeffrey C. Intlekofer (95-AQ-14)	Administrative Order	AQ	Preziosi	New case.
5/31/95	E.I. DuPont DeNemours (91-A-266 thru 91-A-269)	Permit Conditions	AQ	Preziosi	New case.

Mr. Stokes called attention to item 10 on the Rulemaking Status Report noting that last month the Commission approved an Emergency Adoption of the Landfill Financial Responsibility rules to delay the effective date of these rules. That was done to correspond with the federal government delaying the effective date of similar rules. He stated that the Minnesota Pollution Control Agency (MPCA) has corresponded with the department expressing some displeasure with this delay and indicated that they may appear at the AARC in July. Their concern is that by delaying the effective date it will serve as an inducement for some people to continue to transport wastes from Minnesota down to two landfills in Iowa. That could cause Minnesota some problems in terms of their long range planning efforts. MPCA feel that by not having an opportunity to comment it is doing a disservice to their program.

Also, on item 11 - Infectious Waste rules, a public hearing was held and attended by 50-70 people; the hearing lasted about 3-4 hours. Some of the attendees thought the hearing would be in front of the Commission and were disappointed that there were no Commissioners present. Mr. Stokes stated because of the wide interest in the rule, and due to specific requests, the comment deadline has been extended 30 days and will expire June 23. The rules were originally to come before the Commission in July but will not be presented then due to the interest in the rule and the extended deadline. He explained the past controversy associated with an earlier proposal to place an infectious waste incinerator in Eldon and the moratorium that was established by the legislature. Since the moratorium on building medical waste incinerators was lifted some people are concerned that such a facility will be established. Mr. Stokes related that there are no permit applications on file for such a facility at this time.

Mike Fesler asked if there are presently any infectious waste facilities in Iowa.

Mr. Stokes replied that some hospitals have medical waste incinerators that have been around for some time. There is also an autoclaving facility in the Cedar Rapids area. He noted that there is public concern about the air toxics associated with these facilities. Mr. Stokes related that these rules will probably be brought to the Commission for approval in August.

Brief discussion followed regarding several cases on the enforcement reports. Mr. Stokes provided a status update on Don Grell's facility and on Rosebar.

INFORMATIONAL ONLY

CONTRACTS AWARD APPROVAL - WASTEWATER TREATMENT FACILITIES - FLOOD OF 93 DAMAGE

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Environmental Protection Commission will be asked to approve contract awards for projects involving expenditure of grant funds for three related projects to assess recovery success

of Public Water Supplies and Publicly-Owned Treatment Works impacted by the Flood of 1993. Funding for these projects comes from 100% federal funds received from EPA under Section 1442 of the Safe Drinking Water Act, Section 106 of the Clean Water Act, (40 CFR PTS 31, 35, SUBPT A), and the 1994 Stafford Relief Act. No State local funding is involved.

The Department has solicited proposals for these projects from outside contractors and has received a total of eighteen separate proposals. These proposals are currently under evaluation and recommendations for award of contracts will be made at the Commission meeting.

Project #1 - The contractor will conduct a field investigation of each of fifty-nine (59) selected Public Water Supply facilities which will include a sanitary survey, assessment of potential vulnerability, and will make recommendations to the facility on refinement of disaster plans. Six (6) proposals were received for this project.

Project #2 - The Contractor will conduct a field investigation of each of forty (40) selected waste water treatment facilities which will include the same activities as outlined in Project #1 above. Seven (7) proposals were received for this project.

Project #3 - The contractor will develop model Emergency Disaster Plans which can be used by any sized facility for refinement of their local plans. End products will include completion of a 30 minute training video and workbooks for use by plant operators and governing bodies. Nine (9) training workshops will be held in different locations throughout the State. Five (5) proposals were received for this project.

The total budget for all three projects is set at \$695,000. Of this amount, a maximum of \$175,000 is to be used for the Wastewater portion. If approved, all efforts will begin as soon as possible after July 1, 1995. All projects must be completed by December 31, 1996.

Mr. Stokes distributed copies of price quotes from the eighteen proposals received by the department. Mr. Stokes provided the following recommendations for contract award approval:

The Department recommends the Environmental Protection Commission approve the following contract awards involving expenditure of Federal Stafford Relief Act grant funds for survey of Public Water Supplies and Publicly-Owned Treatment Works impacted by the Flood of 1993. The name of the firm with dollar amount of award is shown for each category. No state funds are involved. The projects are to be completed by December 31, 1996.

H.R. Green Company - \$255,000

Project #1 *Survey of fifty-nine (59) selected Public Water Supplies (PWS)*

The contractor will conduct a field investigation of each of fifty-nine (59) selected Public Water Supply facilities which will include a sanitary survey, assessment of potential vulnerability, and will make recommendations to the facility on refinement of disaster plans. Six (6) proposals were received for this project.

Snyder and Associates - \$155,000**Project #2 *Survey of forty (40) Publicly-Owned Treatment Works (POTW)***

The Contractor will conduct a field investigation of each of forty (40) selected waste water treatment facilities which will include the same activities as outlined in Project #1 above. Seven (7) proposals were received for this project.

Snyder & Associates - \$155,000**Project #3 *Develop Model Emergency Disaster Plans (MEP) for Use by Any Facility***

The contractor will develop model Emergency Disaster Plans which can be used by any sized facility for refinement of their local plans. End products will include completion of a 30 minute training video and workbooks for use by plant operators and governing bodies. Nine (9) training workshops will be held in different locations throughout the State. Five (5) proposals were received for this project.

Des Moines Waterworks - \$196,500

Dollar Amounts for Awards: \$606,500. Total budget for these projects: \$695,000

Discussion followed regarding other states receiving similar funds and what the studies will be used for when completed.

Motion was made by Kathryn Murphy to approve the Contract Award Approval for Wastewater Treatment Facilities Impacted by the Flood of 93 to H.R. Green Company for \$225,000, Snyder and Associates for \$155,000, and Des Moines Waterworks for \$196,500. Seconded by Charlotte Mohr. Motion carried unanimously.

APPROVED AS PRESENTED

PROPOSED RULE--CHAPTER 47, GRANTS TO COUNTIES PROGRAM

The Environmental Protection Commission will be provided copies of proposed amendments to Chapter 47 at their June meeting for information only. The proposed rules are intended to implement Senate File 215 enacted during the recently ended legislative session. This legislation changes the existing Grants to Counties program by combining the funding previously separated between the well testing and well closure programs into a single funding source, providing for a single grant application covering both the well testing and well closure aspects of the program, and including well sealing and closure of cisterns as grant eligible activities.

The proposed rules amend current rules by:

- Revising language to allow for a county applying for grants under the Agricultural Management Account program (455E.11, subsection 2) to submit a **single grant application**.
- Creating a definition of and a program for administration of grants for **rehabilitation of private water wells**, so as to adhere to departmental construction standards (Chapter 49).
- **Grammatical** and minor technical corrections necessary since the grant program onset (1989).
- Allowing **cisterns** in need of closure to be eligible for reimbursement under the private abandoned well closure program as allowed by state law.

During each state fiscal year, the amount granted each eligible applicant is the total funds available divided by the number of eligible counties applying. Upon receipt of the grant, the county may apply funds to any one or more of the above three programs.

The proposed rules are being prepared in consultation with the Iowa Department of Public Health, the Iowa Environmental Health Association, and the Iowa Water Well Association.

The Commission will be asked to approve a Notice of Intended Action to solicit public comment on these rules at their July meeting.

(A copy of the rule is on file in the Department's Records Center)

Mr. Stokes gave a detailed explanation of the rule.

Chairperson King asked how people become aware of grant availability.

Mr. Stokes stated that the department notifies the Iowa Environmental Health Association and also mails notice to each county Board of Supervisors chairperson.

Discussion followed regarding why some counties do not choose to participate in the program.

INFORMATIONAL ONLY

NOTICE OF INTENDED ACTION--CHAPTER 22, BACKGROUND VALUES FOR PM₁₀ PARTICULATE MATTER

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve a Notice of Intended Action to solicit public comment on the attached rules. The proposed rules will provide for the use of PM₁₀ (particulate matter

with an aerometric diameter of 10 microns or less) background values for permitting and assessment purposes.

Dispersion modeling is often required to assess the impact of the emissions from an air contaminant source prior to issuance of a permit or for assessment purposes when monitored violations of the National Ambient Air Quality Standard (NAAQS) have been recorded. In many cases emissions from numerous other air contaminant sources located in the same area as the source being permitted must be included in the evaluation of ambient air impact. It is often expensive and time consuming for these other sources to be included in the modeling. An alternative would be for the department to establish background levels of air contaminants for various areas of the state which could be used in modeling the specific source in question, as opposed to individually modeling impacts from numerous sources.

The department has conducted an analysis of PM_{10} background values across the state. The values derived from this analysis and included in this rule are to be added to modeled impacts of air contaminant sources to predict PM_{10} levels in ambient air and eliminate the necessity of including all nearby sources of PM_{10} in modeling procedures. PM_{10} data from monitors located throughout the state have been analyzed to determine average levels of PM_{10} in different types of environments. The analysis included PM_{10} data from 1987 - 1991, the most recent years of data. Monitors located in heavily industrialized areas recorded higher values than those located in rural and urban areas, or areas of light industry. However, monitors located in these latter three types of areas did not show a significant difference in ambient air concentrations of PM_{10} . This phenomenon is possibly due to naturally occurring dust (probably a result of agricultural and construction activities) dominating the PM_{10} concentrations in all but the most heavily industrialized areas of the state.

ENVIRONMENTAL PROTECTION COMMISSION [567] Notice of Intended Action

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission hereby gives Notice of Intended Action to amend Chapter 22, "Controlling Pollution," 567 Iowa Administrative Code.

This amendment establishes values to be added to modeled impacts of PM_{10} (particulate matter with an aerometric diameter of 10 microns or less). The intent of the rule is to establish a more accurate method for assessing the impact of emissions from air contaminant sources on ambient air levels of PM_{10} .

Any person may make written suggestions or comments on the proposed rules on or before _____ . Written comments should be directed to Catharine Fitzsimmons, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50319-0034, FAX (515) 281-8895.

A public hearing will be held on _____ at _____ in _____, at which time comments may be submitted orally or in writing. Any persons who intend to attend a public hearing and have special requirements, such as hearing or mobility impairments, should contact the Department of Natural Resources to advise the Department of any specific needs.

These rules may impact small businesses.

These rules are intended to implement Iowa Code section 455B.133.

The following rule is proposed.

ITEM 1. Amend **567--Chapter 22** by adding a **new** rule as follows:

567--22.9(455B) Background values to be used for dispersion modeling. The following values are to be added to impacts calculated by dispersion models when used for the purposes of assessing the impact of emissions from air contaminant sources:

1. For PM₁₀ (particulate matter with an aerometric diameter of 10 microns or less) the values listed in Table 1.

Table 1

	Annual Averages	24 Hour Averages
Heavily industrialized areas	37 $\mu\text{g}/\text{m}^3$	88 $\mu\text{g}/\text{m}^3$
All other areas	31 $\mu\text{g}/\text{m}^3$	62 $\mu\text{g}/\text{m}^3$

a. For the purposes of this subrule "heavily industrialized areas" shall include:

(1) Davenport industrial area. The area is defined as the area in Universal Transverse Mercator (UTM) Zone 15 bounded on the west by UTM 697000 easting, bounded on the east by UTM 704000 easting, bounded on the north by UTM 4602000 northing, and bounded on the south by the Iowa - Illinois state line. Generally, this area of Davenport is bounded on the west by Wisconsin Avenue, bounded on the east by Eastern Avenue, bounded on the north by Garfield and West Garfield Streets, and bounded on the south by the Iowa - Illinois state line.

Mr. Stokes reviewed the rule in detail.

Motion was made by Gary Priebe to approve Notice of Intended Action--Chapter 22, Background Values for PM₁₀. Seconded by Verlon Britt.

Chairperson King asked how many sites around the state the numbers are pulled from.

Mr. Stokes stated that the numbers being addressed here are from the Davenport area. He related that there are monitoring stations in the ten most industrialized areas of the state and four other areas that are viewed as not being impacted by industrial or urbanized sources. Federal specifications dictate the frequency and type of monitoring that is done.

Vote on Commissioner Priebe's motion carried unanimously.

APPROVED AS PRESENTED

PROPOSED RULE--CHAPTER 135, UNDERGROUND STORAGE TANKS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission is being provided the attached rules for information only at this meeting. These proposed rules amend Chapter 135. The amendments generally clarify and update existing requirements to current departmental policy. The amendments do include new provisions that require tank tags to be returned to the department upon request for failure to comply with tank upgrade requirements, financial responsibility, after permanent or temporary tank closure, or when a tank system is leaking.

ENVIRONMENTAL PROTECTION COMMISSION[567] Notice of Intended Action

Pursuant to the Authority of the Iowa Code section 455B.474, the Environmental Protection Commission gives Notice of Intended Action to amend Chapter 135, "Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks." The proposed amendments are intended to clarify and update existing requirements.

The amendments include a new provision in paragraph 135.3(5)"d" requiring an owner or operator to return their tank's tags upon request of the department for failure to comply with rules 135.3, 135.4, 135.5, 567--Chapter 136, after permanent or temporary tank closure, or when the tank system is leaking.

Any interested party may submit written comments to the attention of Keith Bridson, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50319 or by FAX number 1-515-281-8895, no later than September 18, 1995.

There will be one public hearing on these proposed amendments on _____, at _____ in the _____ of the Wallace State Office Building, 900 East Grand, Des Moines, Iowa.

This rule may have an impact on small businesses as provided in Iowa Code section 17A.31.

These proposed amendments are intended to implement Iowa Code section 455B.474.

ITEM 1. Add the following new definitions to 567--135.2(455B):

"Change-in-service" means changing the use of a tank system from a regulated to a non-regulated use.

"Highly permeable soils" means for the purpose of UST closures: fractured bedrock, any soils with a hydraulic conductivity rate greater than 0.3 meter per day, or any soil material classified

by the Unified Soil Classification System as published by the United States Department of the Interior or ASTM designation as (1) **GW** - well graded gravel, gravel-sand mixtures, little or no fines, (2) **GP** - poorly graded gravel, gravel-sand mixtures, little or no fines, (3) **SW** - well graded sands, gravelly sands, little or no fines, or (4) **SP** - poorly graded sands, gravelly sands, little or no fines.

"Permanent closure" means removing all regulated substances from the tank system, assessing the site for contamination, and permanently removing tank and piping from the ground or filling the tank in place with a solid inert material and plugging all piping. Permanent closure also includes partial closure of a tank system such as removal or replacement of tanks or piping only.

"Person who conveys or deposits a regulated substance" means a person who sells or supplies the owner or operator with the regulated substance and the person who transports or actually deposits the regulated substance in the underground tank.

"Surface impoundment" is a natural topographic depression, ~~man-made~~ constructed excavation, or diked area formed primarily of earthen materials (although it may be lined with ~~man-made~~ manufactured materials) that is not an injection well.

ITEM 2. Amend paragraph 135.3(2)"a", subparagraph(3) as follows:

(3) Closure requirements under rule 135.9(455B), including applicable requirements of corrective action under rules 135.7(455B) and 135.8(455B).

Replacement or upgrade of a tank system on a petroleum contaminated site classified a high-risk or low risk in accordance with subrule 135.8(3) shall be a double wall tank or a tank equipped with a secondary containment system with monitoring of the space between the primary and secondary containment structures in accordance with 135.5(4)"g" or other approved tank system or methodology approved by the Iowa comprehensive petroleum underground storage tank fund board.

ITEM 3. Amend paragraph 135.3(5)"b" as follows:

b. The owner or operator of tanks over 1,100-gallon capacity must submit a tank management fee each year of \$65 per tank by January 15 of each year. ~~The first fee of \$15 per tank is due on January 15, 1988. The fee shall increase to \$65 per tank beginning May 5, 1989.~~

ITEM 4. Amend paragraph 135.3(5)"d" as follows:

d. A person who conveys or deposits a regulated substance shall inspect the underground storage tank to determine the existence or absence of a current registration tag. If the tag is not affixed to the fill pipe, the person may not deposit the substance in the tank except as follows in 135.3(3)"j."

ITEM 5. Amend subrule 135.3(5) by adding the following new paragraph "e."

e. The owner or operator must return the tank tags upon request of the department for failure to meet the requirements of rules 135.3, 135.4, 135.5, or 567--Chapter 136, after permanent or temporary tank closure, or when the tank system is suspected to be leaking and the responsible party fails to respond as required in subrule 135.8(1). The department will not return the tags

until the tank system is in full compliance with the technical requirements of Chapter 135 and financial responsibility requirements of Chapter 136.136.

ITEM 6. Amend subrule 135.6(4) as follows:

135.6(4) Reporting and cleanup of spills and overfills.

a. Reportable Releases. Owners and operators of UST systems must contain and immediately clean up a spill, ~~or~~ overfill or any above ground release, and report to the department within 24 hours, or within 6 hours in accordance with 567--Chapter 131 if a hazardous condition exists as defined in rule 567--131.1, ~~or another reasonable time frame specified by the department~~, and begin corrective action in accordance with rules 135.7(455B) and 135.8(455B) in the following cases:

(1) Spill, ~~or~~ overfill or any above ground release of petroleum that results in a release to the environment that exceeds 25 gallons, ~~or another reasonable amount specified by the department~~, or that causes a sheen on nearby surface water, impacts adjacent property, or contaminates groundwater; and

(2) Spill, ~~or~~ overfill or any above ground release that results in a release to the environment that equals or exceeds its reportable quantity under CERCLA (40 CFR 302) as of September 13, 1988.

b. Non-Reportable Releases. Owners and operators of UST systems must contain and immediately clean up a spill, ~~or~~ overfill or any above ground release of petroleum that is less than 25 gallons, ~~or another reasonable amount specified by the department~~, and a spill, ~~and~~ overfill or any above ground release of a hazardous substance that is less than the reportable quantity. If cleanup cannot be accomplished within 24 hours, ~~or another reasonable time period established by the department~~, owners and operators must immediately notify the department.

ITEM 7. Amend subrule 135.8(3), paragraph "e," as follows:

e. Evaluation of natural and ~~man-made~~ constructed conduits. An evaluation must be made of the potential for all natural and ~~man-made~~ constructed conduits and utility lines located within 100 feet from the contaminated groundwater or soil, to act as contaminant migration pathways.

ITEM 8. Amend subrule 135.8(4), subparagraph "b"(12), as follows:

(12) The contaminated groundwater plume is within 100 feet of the natural or ~~man-made~~ constructed structures or conduits that could allow the vertical or horizontal migration of contaminants to a protected groundwater source that is used as a public or private water source.

ITEM 9. Amend subrule 135.8(8) by rescinding and replacing it with the following:

135.8(8) Contamination corrective action levels. The following corrective action levels apply to petroleum contamination as regulated by this chapter. The contaminant concentrations must be determined by laboratory analyses as stated in 135.10(455B). ~~These~~ The groundwater corrective action levels are based on the maximum contaminant levels (MCLs) established by the United States Environmental Protection Agency (EPA) pursuant to Safe Drinking Water Act.

	Total Organic Hydrocarbon	Benzene	Ethyl Benzene	Toluene	Xylene
Soil	100mg/kg				
Groundwater		5ug/l	700ug/l	1000ug/l	10,000ug/l

Final corrective action determination is not limited to these contaminants. For all other contaminants, the rules for determining the need for corrective action found in 567--Chapter 133(455B) will be used.

ITEM 10. Amend subrule 135.9(1), paragraph "a" as follows:

a. When a UST system is temporarily closed, owners and operators must continue operation and maintenance of the corrosion protection in accordance with 135.4(2), ~~and any release detection in accordance with 135.5(455B), and financial responsibility in accordance with 567--Chapter 136.~~ Rules 135.6(455B) and 135.7(455B) and 135.8(455B) must be complied with if a release is suspected or confirmed. However, release detection is not required as long as the UST system is empty. The UST system is empty when all materials have been removed using commonly employed practices so that no more than 2.5 centimeters (one inch) of residue, or 0.3 percent by weight of the total capacity of the UST system, remain in the system.

ITEM 11. Amend subrule 135.9(1), paragraph "b" as follows:

b. When a UST system is closed for three months or more, owners and operators must notify the department in writing of the temporary closure, return the tank tags and ~~also comply with the following:~~

- (1) Leave vent lines open and operating; and
- (2) Cap and secure all other lines, pumps, ~~manways~~ accesses, and ancillary equipment.

ITEM 12. Amend subrule 135.9(2), paragraphs "a" and "b" as follows:

a. At least 30 days before beginning either permanent closure or a change-in-service under paragraphs "b" or "c" below, ~~or within another reasonable time determined by the department,~~ owners and operators must notify the department of their intent to permanently close or make a change-in-service ~~unless such action is in response to a corrective action.~~

b. To permanently close a tank or piping, owners and operators must empty and clean ~~it~~ them by removing all liquids and accumulated sludge. All tanks taken out of service permanently must also be either removed from the ground or filled with an inert solid material. Piping must either be removed from the ground or have the ends plugged with an inert solid material.

When permanently closing a tank by filling with inert solid material, the tank may not be filled until a closure report is approved by the department. The tank must be filled within 30 days after department approval. The owner and operator must notify the department within 15 days after filling the tank with inert solid material.

ITEM 13. Amend 135.9(2) by adding the following new paragraph "d."

d. Permanent closure procedures must be followed in the replacement of tanks or piping. Notification must be made using DNR form 542-1308, 'Notification of Tank Closure or Change-in-Service'. The form must include the date scheduled for the closure. Oral confirmation of the closure date must be given to the DNR field office 24 hours prior to the actual closure. The required assessment of the excavation zone under 139.9(3) must be performed after notifying the department but before completion of the permanent closure or change-in-service.

ITEM 14 Amend 135.9(3)"a," by amending it as follows:

a. Before permanent closure or a change-in-service is completed, owners or operators must measure for the presence of a release where contamination is most likely to be present at the UST site. In selecting the sample types, sample locations, and measurement methods, owners and operators must consider the method of closure, nature of the stored substance, the type of backfill, the depth to groundwater, and other factors appropriate for identifying the presence of a release.

At petroleum sites, the minimum parameters that must be analyzed for are:

1. Soil samples must be analyzed for total organic hydrocarbon (TOH) as the products that have been stored in the tank;

2. Groundwater samples must be analyzed for benzene, toluene, ethylbenzene, and xylene with each compound reported separately.

All such samples shall be collected separately and shipped to a qualified laboratory certified under 567--Chapter 42, PART C, within 72 hours of collection. Samples shall be refrigerated and protected from freezing during shipment to the laboratory.

When an UST is removed from an area of confirmed contamination, the department may waive closure sampling if written documentation is submitted with the closure notification. Documentation should include laboratory analytical reports and a site map showing tank and piping locations along with contamination plume and sampling locations.

ITEM 15. Amend 135.9(3)"b," the first paragraph, as follows:

b. For all permanent tank and piping closures or changes-in-service, at least one water sample must be taken from the first saturated zone via a monitoring well or borehole except as provided in "g." The well or borehole must be located downgradient from and as close as possible to the excavation but no farther than 20 feet.

If, however, the first saturated groundwater zone is not encountered within ten feet ~~of~~ below the tank excavation, the requirement for the groundwater sampling shall not apply unless:

(1) Sands or highly permeable soils are encountered within ten feet below ~~of~~ the lowest level of the tank excavation which together with the underlying geology would, in the judgment of the department, pose the reasonable possibility that contamination may have reached groundwater deeper than ten feet below ~~of~~ the lowest level of the tank excavation. The method of determining highly permeable soil is found in the departmental guidance documents entitled "Underground Storage Tank Closure Procedures for Tank and Piping Removal" and "Underground Storage Tank Closure for Filling in Place."

(2) Indications of potential groundwater contamination, including petroleum products in utility lines, petroleum products in private wells, petroleum vapors in basements or other structures, occur in the area of the tank installation undergoing closure or a change-in-service.

ITEM 16. Amend subrule 135.9(3), paragraph "c", by changing the first paragraph as follows:

c. For permanent closure by tank removal, the departmental guidance document entitled "Underground Storage Tank Closure Procedures for Tank and Piping Removal" must be followed. The minimum number of soil samples that must be taken depends on the tank size and length of product piping. Samples must be taken at a depth of one to two feet beneath the tank fill area ~~approximately three feet~~ below the base of the tank along the tank's centerline. Soil samples must also be taken at least every ten feet along the product piping at a depth of one to two feet beneath the piping fill area ~~approximately three feet~~ below the piping. If sands or other highly . . .

ITEM 17. Amend subrule 135.9(3), paragraph "d", by changing the first paragraph as follows:

d. For closing a tank in place by filling with a solid inert material or for a change-in-service, the departmental guidance document entitled "Underground Storage Tank Closure for Filling in Place" must be followed. The minimum number of soil borings required for sampling depends on the size of the tank and the length of the product piping. Soil samples must be taken within five feet of the sides and ends of the tank at a depth of two to four feet ~~approximately three feet~~ below the base of the tank, but outside the backfill material at equal intervals around the tank. Soil samples must also be taken at least every ten feet along the product piping at a depth of one to two feet beneath the piping fill area ~~approximately three feet~~ below the piping.

If sands or other highly permeable soils are encountered, alternative sampling methods may be required.

ITEM 18. Amend subrule 135.9(3), paragraph "e", by changing as follows:

e. A closure report must be submitted to the department within 45 days of the tank removal or sampling for a closure in place. ~~30 days of completion of soil and water sample analyses.~~ The report must include all laboratory analytical reports, soil boring and well or borehole construction details and stratigraphic logs, and a dimensional drawing showing location and depth of all tanks, piping, sampling, and wells or boreholes, and contaminated soil encountered. The tank tags must be returned with the closure report.

ITEM 19. Add the following new subrule, 135.9(7).

135.9(7) Applicability to Pre-1974 USTS.

The closure provisions of rule 135.9 are applicable to USTs which have contained a regulated substance at any time since December 31, 1973. If the owner indicates the tank has not contained a regulated substance since December 31, 1993, the department may require submission of an affidavit documenting a tank's operating history.

The person submitting the affidavit must conduct a reasonable investigation to support the statements in the affidavit. The investigation requires a determination of the current contents of the underground tanks and may require investigation of prior owners, operators and other interested parties to determine the operational history of the underground tanks. If the department has a reasonable basis to suspect a release has occurred, the release investigation and confirmation steps of subrule 135.8(1), and the corrective action requirements as provided in 135.7 and 135.8 shall apply.

ITEM 20. Amend subrule 135.10(1) as follows:

135.10(1) General. When having soil or groundwater analyzed for petroleum or hazardous substances, owners and operators of UST systems must ensure appropriate and accurate analytical procedures are used. In addition, they must ensure that all soil and groundwater samples are properly preserved and shipped within 72 hours of collection to a laboratory certified under 567--Chapter 42, PART C, for UST petroleum analyses. This rule provides acceptable analytical procedures for petroleum substances and required information that must be provided in all laboratory reports.

ITEM 21. Amend paragraph 135.10(2)"a" by the following.

a. Laboratory name, address, and phone number and Iowa laboratory certification number. If analytical work is subcontracted to another laboratory, the analytical report from the certified lab which analyzed the sample must be submitted and include the information required in this subrule..

ITEM 22. Amend subrule 135.10(2)adding the following new paragraphs "p," and "q."

p. Condition in which the sample was received at the laboratory and whether it was properly sealed and preserved.

q. Note that analytical results are questionable if a sample exceeded an established holding time or was improperly preserved. (The recommended holding time for properly cooled and sealed petroleum contaminated samples is fourteen days, except for water samples containing volatile organic compounds which have a seven day holding time unless acid preserved.)

ITEM 23. Amend subrule 135.10(3) as follows:

135.10(3) Analysis of soil and water for high volatile petroleum compounds (i.e., gasoline, benzene, ethylbenzene, toluene, xylene). Sample preparation and analysis shall be by Method OA-1, "Method for determination of Volatile Petroleum Hydrocarbons (gasoline)," revision 7/27/93 ~~7/1/91~~, University Hygienic Laboratory, Iowa City, Iowa. This method is based on U.S. EPA methods 5030, 8000, and 8015, SW-846, "Test Methods for Evaluating Solid Waste," 3rd Edition. Copies of Method OA-1 are available from the department.

ITEM 24. Amend subrule 135.10(4) as follows:

135.10(4) Analysis of soil ~~and water~~ for low volatile petroleum hydrocarbon contamination (i.e., diesel fuel, kerosene, oil, and mineral spirits). Samples preparation shall be by OA-2, "Determination of Extractable Petroleum Products, (and Related Low Volatility Organic Compounds)," revision 7/27/93 ~~7/1/92~~, University Hygienic Laboratory, Iowa City, Iowa. This method is based on U.S. EPA methods 3500, 3510, 3520, 3540, 3550, 8000, and 8100, SW-846, "Test Methods for Evaluating Solid Waste," 3rd Edition. Copies of Method OA-2 are available from the department.

Mr. Stokes reviewed details of the rule.

Chairperson King suggested changing the word "as" to "of" on Page 5, Item 14, under number 1.

Terrance Townsend asked if the average owner of a small underground tank would know whether they have 24 hours, or 6 hours, to report a release as required under 135.6(4) on Page 3. He asked if it could be better clarified so they could determine which specific amount of time they have.

Commissioner Townsend also asked, under 135.6(4)a.(2), if the CERCLA regulations referred to could be listed.

Mr. Stokes acknowledged that the requested changes will be made. He related that staff will check on the CERCLA regulations and if it is not a lengthy list it could be included.

INFORMATIONAL ONLY

PROPOSED CONTESTED CASE DECISION--PELLA CONSTRUCTION COMPANY

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On June 16, 1994, the department issued Administrative Order No. 94-WW-25 to Pella Construction Company. That action required the company to cease unauthorized discharges to the Des Moines River, and pay an administrative penalty of \$10,000.00. That action was appealed by the company, and the matter proceeded to administrative hearing on April 24, 1995. The Administrative Law Judge issued the attached Proposed Findings of Fact, Conclusions of Law, and Order on May 10, 1995. The decision affirms the Order, with the exception of reducing the penalty to \$6,000.00.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission. The department has requested the Law Judge to clarify the ruling, and any subsequent ruling on that request will also be presented to the Commission.

Mr. Murphy briefed the Commission on the history of this case involving unauthorized discharges of petroleum waste to the Des Moines River.

The Commission took no action; this has the effect of upholding the Administrative Law Judge's decision in the absence of an appeal.

ALJ DECISION UPHELD

REFERRALS TO THE ATTORNEY GENERAL

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Director requests referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the Commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- a. Paul L. Dunkle (Dundee) - solid waste/penalty

Paul L. Dunkle

Mr. Murphy briefed the Commission on the history of this case involving illegal disposal of solid waste. He noted that the ALJ upheld the Order with the exception of reducing the penalty from \$10,000 to \$6,000. Staff feel that in this case it is a reasonable resolution and do not plan to appeal.

Motion was made by Charlotte Mohr for referral to the Attorney General's Office. Seconded by Verlon Britt. Motion carried unanimously.

REFERRED

GENERAL DISCUSSION

Commission Tour

Director Wilson recapped the tour plans for the Commission tomorrow noting that they will leave at 8:00 a.m., from the Historical Building Visitors Parking Lot. The Commission will visit Ute Tire Recycling Company in Des Moines, HyLine International in Dallas County, and the King Feedlot in Boone County.

Organic Technologies

Chairperson King asked about the status of Organic Technologies.

Mr. Stokes related that they are still having odor control problems but are taking steps to correct it. He noted that the main problem they are now dealing with is a water retention basin and staff are working with them on getting the problems corrected.

Mississippi River Parkway Commission

Charlotte Mohr reported that the Mississippi River Parkway Commission met last week and are working on plans to host the National Parkway Commission in Des Moines from February 29-March 2, 1996. She distributed copies of a new brochure on the Iowa Great River Road.

Commissioner Mohr, in reference to the State Auditor's current report, asked about the status of a hot line that was supposed to be established for reporting pollution.

Director Wilson stated that the department will have to find a way to pay for it. He noted that there are several other numbers in effect for reporting which partly address those types of situations.

Electronic Meeting

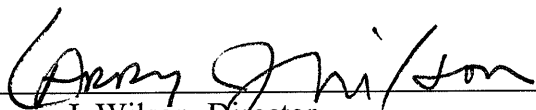
It was decided to hold the electronic meeting to approve the Final Rule for Household Batteries on Thursday, July 6, 1995, at 9:00 a.m.

NEXT MEETING DATES

July 17, 1995
August 21, 1995
September 18, 1995

ADJOURNMENT

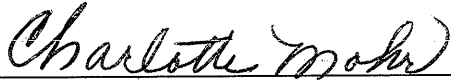
With no further business to come before the Environmental Protection Commission, Chairperson King adjourned the meeting at 2:45 p.m., Monday, June 19, 1995.



Larry J. Wilson, Director



Rozanne King, Chair

A handwritten signature in cursive script, reading "Charlotte Mohr", positioned above a horizontal line.

Charlotte Mohr, Secretary

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